

STATE OF CALIFORNIA

# **CALIFORNIA LAW REVISION COMMISSION**

1998-1999 Annual Report

California Law Revision Commission  
4000 Middlefield Road, Room D-1  
Palo Alto, CA 94303-4739

# CALIFORNIA LAW REVISION COMMISSION

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## NOTE

The Commission's reports, recommendations, and studies are published in separate pamphlets that are later bound in hardcover form. The page numbers in each pamphlet are the same as in the volume in which the pamphlet is bound, which permits citation to Commission publications before they are bound.

This publication (#200) will appear in Volume 28 of the Commission's *Reports, Recommendations, and Studies*.

Commission publications and other materials are available on the Internet at <http://www.clrc.ca.gov/>.

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## SUMMARY OF WORK OF COMMISSION

### **Recommendations Enacted in the 1998 Legislative Session**

In 1998, six bills effectuating the Commission's recommendations were enacted relating to the following subjects:

- Trial court unification
- Best evidence rule
- Real property covenants, including the First Rule in Spencer's Case and statutes of limitations
- Uniform TOD Security Registration Act
- Administrative law judge code of ethics
- Response to demand for production of documents in discovery

Two two-year bills introduced in 1997 concerning judicial review of agency action were not enacted. A bill introduced in 1998 relating to the business judgment rule was also not enacted. A recommendation on inheritance by foster children or stepchildren was removed from an Assembly Judiciary Committee bill before final passage.

### **Recommendations to the 1999 Legislature**

In 1999, the Commission plans to submit recommendations on the following subjects to the Legislature:

- Health care decisions for adults without decisionmaking capacity
- Uniform Principal and Income Act
- Trial court unification followup
- Consent regulations and other noncontroversial regulations
- Administrative agency advisory interpretations
- Eminent domain valuation evidence
- Inheritance by foster children or stepchildren

### **Commission Activities Planned for 1999**

During 1999, the Commission will work on the following major topics: administrative rulemaking, implementation of Bankruptcy

Code Chapter 9 (adjustment of debts of governmental entities), selected issues in eminent domain and inverse condemnation, environmental law consolidation, Evidence Code changes required by electronic communications, and issues in judicial administration resulting from trial court unification. The Commission will consider other subjects as time permits, including confidentiality of settlement negotiations, enforcement of judgments under the Family Code, problems in the homestead exemption, miscellaneous probate issues, and the Uniform Unincorporated Nonprofit Association Act.

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**CALIFORNIA LAW REVISION COMMISSION**

4000 MIDDLEFIELD ROAD, ROOM D-1  
PALO ALTO, CA 94303-4739  
650-494-1335

ARTHUR K. MARSHALL, Chairperson  
ASSEMBLY MEMBER HOWARD WAYNE, Vice Chairperson  
ROBERT E. COOPER  
BION M. GREGORY  
PAMELA L. HEMMINGER  
EDWIN K. MARZEC  
RONALD S. ORR  
SANFORD M. SKAGGS  
COLIN W. WIED

December 10, 1998

To: The Governor of California, *and*  
The Legislature of California

In conformity with Government Code Section 8293, the California Law Revision Commission herewith submits this report of its activities during 1998 and its plans for 1999.

Three of the four bills introduced in 1998 to effectuate the Commission's recommendations were enacted. Three two-year bills introduced in 1997 to effectuate Commission recommendations were also enacted. A concurrent resolution recommended by the Commission was adopted.

The Commission is grateful to the members of the Legislature who carried Commission-recommended bills:

- Senator Kopp (best evidence rule, business judgment rule, concurrent resolution continuing Commission's authority)
- Senator Lockyer (trial court unification)
- Assembly Member Ackerman (real property covenants)
- Assembly Member Kuykendall (Uniform TOD Security Registration Act)
- Assembly Member Wayne (administrative law judge code of ethics)

The Commission held three two-day meetings and four one-day meetings during 1998. Meetings were held in Los Angeles, Sacramento, San Diego, and San Francisco.

Respectfully submitted,

Arthur K. Marshall  
*Chairperson*

## 1998-1999 ANNUAL REPORT

### Introduction

The California Law Revision Commission was created in 1953 as the permanent successor to the Code Commission and given responsibility for a continuing substantive review of California statutory and decisional law.<sup>1</sup> The Commission studies the law to discover defects and anachronisms and recommends legislation to make needed reforms.

The Commission assists the Legislature in keeping the law up to date by:

- Intensively studying complex and sometimes controversial subjects
- Identifying major policy questions for legislative attention
- Gathering the views of interested persons and organizations
- Drafting recommended legislation for legislative consideration

The Commission's efforts enable the Legislature to focus on significant policy questions in a recommendation rather than on the technical issues which can be resolved in the process of preparing background studies, working out intricate legal problems, and drafting implementing legislation. The Commission thus helps the Legislature accomplish needed reforms that otherwise might not be made because of the heavy demands on legislative time. In some cases, the Commission's report demonstrates that no new legislation on a particular topic is needed, thus relieving the Legislature of the need to study the topic.

The Commission consists of:

- A Member of the Senate appointed by the Rules Committee
- A Member of the Assembly appointed by the Speaker
- Seven members appointed by the Governor with the advice and consent of the Senate
- The Legislative Counsel, who is an ex officio member

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1. See Gov't Code §§ 8280-8298 (statute establishing Law Revision Commission) (Appendix 1 *infra* pp. 711-16). See also *1955 Report* [Annual Report for 1954] at 7, 1 Cal. L. Revision Comm'n Reports (1957).

The Commission may study only topics that the Legislature has authorized. The Commission now has a calendar of 21 topics.<sup>2</sup>

Commission recommendations have resulted in the enactment of legislation affecting 19,339 sections of the California statutes: 3,564 sections amended, 8,867 sections added, and 6,904 sections repealed. The Commission has submitted more than 310 recommendations to the Legislature. About 95% of these recommendations have been enacted in whole or in substantial part.<sup>3</sup>

The Commission's recommendations are published in softcover and later collected in hardcover volumes. A list of past publications and information on obtaining copies are at the end of this Annual Report.<sup>4</sup>

### **1999 Legislative Program**

In 1999, the Commission plans to submit recommendations to the Legislature concerning the following subjects:

#### **Administrative Law**

*Advisory Interpretations.* The Commission will recommend amendment of the rulemaking provisions of the Administrative Procedure Act to enable an agency to adopt nonbinding advisory interpretations of law.

*Consent Regulations.* The Commission will recommend simplified rulemaking under the Administrative Procedure Act where the regulatory action being proposed is noncontroversial.

#### **Civil Procedure and Judicial Administration**

*Trial Court Unification.* The Commission will recommend cleanup legislation for unification of the trial courts under Proposition 220.

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2. See list of topics under "Calendar of Topics Authorized for Study" in Appendix 2 *infra* pp. 717-20. For proposed revisions to the calendar of topics, see "Calendar of Topics for Study" *infra* pp. [693-94] and "Topics for Future Consideration" *infra* pp. [694-96].

3. See "Legislative Action on Commission Recommendations" in Appendix 3 *infra* pp. 721-44.

4. See "Commission Publications" *infra* pp. [791-812].

**Estate Planning, Probate, and Trusts**

*Health Care Decisions for Incapacitated Adults.* The Commission will recommend a new Health Care Decisions Law that consolidates the Natural Death Act and the statutes governing the durable power of attorney for health care, and provides comprehensive rules relating to health care decisionmaking for incapacitated adults.

*Uniform Principal and Income Act.* The Commission will recommend enactment of the Uniform Principal and Income Act (1997) in California, with modifications.

**Property**

*Eminent Domain Law.* The Commission will recommend clarification of Evidence Code Section 822, relating to evidence of value in condemnation proceedings.

**Major Studies in Progress**

During 1999, the Commission will work on six major topics: administrative rulemaking, implementation of Bankruptcy Code Chapter 9 (adjustment of debts of governmental entities), selected issues in eminent domain and inverse condemnation, environmental law consolidation, Evidence Code changes required by electronic communications, and issues in judicial administration resulting from trial court unification. The Commission will also consider other subjects to the extent time permits.

**Administrative Rulemaking**

Administrative rulemaking is the third phase of the Commission's study of administrative law and procedure, following revision of state agency adjudication and proposals concerning judicial review of agency action. This phase of the study was activated in 1996. The Commission plans to address individual problems in the rulemaking procedure; it will not propose a comprehensive revision of the rulemaking procedure. During 1999, the Commission will complete its review of rulemaking procedures, with the objective of final recommendations for the 2000 legislative session. The Commission has engaged the services of two expert academic consultants to provide advice on this project: Professors Michael

Asimow (UCLA Law School) and Gregory Ogden (Pepperdine Law School). The Commission has also retained two academic consultants to present a private sector perspective on the issues: Professors Robert K. Best and J. Clark Kelso of McGeorge Law School.

### **Bankruptcy Code Chapter 9 Implementation**

The Commission plans in late 1999 to begin its study of California law implementing Bankruptcy Code Chapter 9, relating to adjustment of debts of governmental entities. Issues to be considered include whether California law should be revised to increase the options of state and local agencies and nonprofit corporations that administer government funded programs to elect Chapter 9 treatment. The Commission has retained Professor Frederick Tung of the University of San Francisco Law School to prepare a background study on the matter.

### **Eminent Domain and Inverse Condemnation Selected Issues**

The Eminent Domain Law was enacted on recommendation of the Commission in 1975. For 1999, the Commission plans to recommend clarification of Evidence Code Section 822 relating to valuation evidence. During 1999, the Commission, with the assistance of Professor Gideon Kanner, will review other issues, including exercise of condemnation power by privately-owned public utilities, date of valuation, and assessment of general and special benefits and severance damages. The Commission also plans to study procedural prerequisites for an inverse condemnation action, particularly exhaustion of administrative remedies and ripeness requirements, and relevant limitations periods.

### **Environmental Law Consolidation**

The Legislature has directed the Commission to study whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative

statutes.<sup>5</sup> The Commission has completed work on the first four divisions of the proposed Environment Code, including rules of construction and definitions, general provisions, the California Environmental Quality Act, and the air resources division. During 1999, the Commission will begin work on proposed Division 5 (water resources) and will develop proposed Division 6 (toxic and hazardous substances). The Commission is assisted in this effort by its consultants, Professors John Dwyer of Boalt Hall, University of California Law School, and Brian Gray of Hastings College of the Law.

### **Evidence Code Changes Required by Electronic Communications**

The California Evidence Code was enacted on recommendation of the Commission in 1965. Application of the 1965 statute to electronic communications is not always clear or appropriate. For example, the Commission has recommended, and the Legislature in 1998 enacted, repeal of the Best Evidence Rule, which became anachronistic with the advent of contemporary electronic data and photocopying technology. The Commission in 1999 will study further Evidence Code changes required by electronic communications. The Commission has retained Judge Joseph B. Harvey (ret.) of Susanville to prepare a background study on this topic. As a member of the Commission's legal staff, Judge Harvey was a principal draftsman of the 1965 Code.

### **Judicial Administration Issues Resulting from Trial Court Unification**

Legislation to implement unification of the trial courts under Proposition 220 was enacted on recommendation of the Commission in 1998. The 1998 legislation also directs the Commission, in consultation with the Judicial Council, to perform followup studies taking into consideration experience in courts that have unified.<sup>6</sup> Issues include civil and criminal procedures in a unified court, role of the court reporter in a unified court, and publication of legal

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5. 1998 Cal. Stat. res. ch. 91.

6. Gov't Code § 70219.

notice in a county in which the courts have unified, among others.<sup>7</sup> The Commission intends to complete the majority of these studies in 1999. The Commission is assisted in this project by the Institute for Legislative Practice of McGeorge Law School and its director, Professor J. Clark Kelso.

### **Other Subjects**

The major studies in progress described above will dominate the Commission's time and resources during 1999. If time permits, the Commission will work other subjects into its agenda. These subjects include confidentiality of settlement negotiations, enforcement of judgments under the Family Code, problems in the homestead exemption, miscellaneous probate issues, the Uniform Unincorporated Nonprofit Association Act, and other matters.

### **Calendar of Topics for Study**

The Commission's calendar of topics is set out in Appendix 2.<sup>8</sup> The Legislature has authorized each of these topics for Commission study.<sup>9</sup>

The Commission does not contemplate further work on a number of the previously authorized topics. The Commission recommends that these topics be removed from the Commission's calendar:

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7. For a complete listing, see *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 82-86 (1998) ("Issues in Judicial Administration Appropriate for Future Study").

8. See *infra* pp. 717-20.

9. Government Code Section 8293 provides that the Commission shall study, in addition to those topics that it recommends and are approved by the Legislature, any topics the Legislature by concurrent resolution refers to it for study. For the current authorization, see 1998 Cal. Stat. res. ch. 91.

In addition, Code of Civil Procedure Section 703.120 requires the Commission to review statutes providing for exemptions from enforcement of money judgments every 10 years and to recommend any needed revisions. The next report will be due in 2003.

Government Code Section 70219 requires the Law Revision Commission, in consultation with the Judicial Council, to perform followup studies taking into consideration experience in courts that have unified. For a list of specific studies, see *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 82-86 (1998).



- Class actions<sup>10</sup>
- Procedure for removing invalid liens<sup>11</sup>
- Unfair competition litigation<sup>12</sup>
- Shareholders' rights and corporate director responsibilities<sup>13</sup>
- Tolling statute of limitations while defendant is out of state<sup>14</sup>

### **Topics for Future Consideration**

The Commission recommends the addition of the following new topics to its calendar in 1999:

#### **Common Interest Developments**

Common interest housing developments are characterized by (1) separate ownership of dwelling space coupled with an undivided interest in common areas, (2) covenants, conditions, and restric-

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10. Class actions were first added to the Commission's Calendar of Topics in 1975 on request of the Commission. The Commission did not give the topic priority in deference to concurrent work of the California State Bar and the National Conference of Commissioners on Uniform State Laws. The Commission has concluded that, given the nature of the issues involved, this topic is not appropriate for Commission study.

11. A study of the procedure for removal of invalid liens was added to the Commission's calendar in 1980. In 1997 the Legislature made it a crime to persistently attempt to record a document determined by the county recorder to be an unrecordable document. Legislation was added in 1998 to provide a \$5,000 civil penalty for filing a lien or encumbrance against a public officer or employee, knowing it is false, with the intent to harass the officer or employee or to influence or hinder the public officer or employee in discharging official duties. Legislation enacted in 1998 also provides an expeditious procedure for removing liens of this type. See 1998 Cal. Stat. ch. 779. These developments make a Commission study of the matter unnecessary.

12. The Commission has completed its study of this matter. See *Unfair Competition Litigation*, 26 Cal. L. Revision Comm'n Reports 191 (1996). Legislation to implement this recommendation was not enacted.

13. The Commission has completed its study of this matter. See *Business Judgment Rule*, 28 Cal. L. Revision Comm'n Reports 1 (1998). Legislation to implement this recommendation was not enacted.

14. The Commission has completed its study of this matter. See *Tolling Statute of Limitations When Defendant is Out of State*, 26 Cal. L. Revision Comm'n Reports 83 (1996). Legislation to implement this recommendation was not enacted.

tions that run with the land, and (3) administration of common property by a homeowner association.

The main body of law governing common interest developments is the Davis-Stirling Common Interest Development Law.<sup>15</sup> Other key statutes include the Subdivision Map Act, the Subdivided Lands Act, the Local Planning Law, and the Nonprofit Mutual Benefit Corporation Law, as well as various environmental and land use statutes. In addition, statutes based on separate, rather than common, ownership models still control many aspects of the governing law.<sup>16</sup>

The complexities and inconsistencies of this statutory arrangement have been criticized by homeowners and practitioners, among others.<sup>17</sup>

The association boards that administer common interest developments, composed of elected unit owners, encounter a statutory framework that is unduly complex; the lay volunteers often make mistakes and violate procedures for conducting hearings, adopting budgets, establishing reserves, enforcing parking, and collecting assessments. The statutes provide no practical enforcement provisions to deter violations. Housing consumers do not readily understand and cannot easily exercise their rights and obligations.

The statutes affecting common interest developments should be reviewed with the goal of setting a clear, consistent, and unified policy with regard to their formation and management and the transaction of real property interests located within them. The objective of the review is to clarify the law and eliminate unnecessary or obsolete provisions, to consolidate existing statutes in one place in the codes, and to determine to what extent common interest housing developments should be subject to regulation.

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15. Civ. Code § 1350 *et seq.*

16. See, e.g., Civ. Code §§ 1102 *et seq.*, 2079 *et seq.* (real estate disclosure).

17. See, e.g., SR 10 (Lee and Sher) (April 10, 1997); California Research Bureau, *Residential Common Interest Developments: An Overview* (March 1998).

### **Criminal Sentencing**

There appears to be a general consensus among prosecutors, defense attorneys, and others involved with the criminal justice system that some overhaul of criminal sentencing law is needed. The statutes have grown haphazardly without an overriding organization, with the result that they are now complex and convoluted. A third of the appeals in criminal cases involve sentencing error. The statutes need be simplified and made easier to understand.

Because past reform efforts have failed for political reasons, a neutral Law Revision Commission study would be appropriate at this time. The objective of the study would be to propose a reorganization and clarification of the sentencing procedure statutes in order to make them more logical and understandable. This would be a nonsubstantive project.

### **Public Records Law**

The Public Records Act is intended to foster government openness by permitting broad disclosure of public records.<sup>18</sup> The Information Practices Act of 1977 protects personal privacy by limiting disclosure of public records containing personal information.<sup>19</sup> These two acts are not well integrated.

It is only by carefully comparing the two acts that the scope of the Information Practices Act's privacy protections can be understood. In addition, the two acts provide slightly different procedures for disclosure of public records. The statutes should be consolidated and revised to clarify the scope of required disclosure and to create a single set of disclosure procedures.<sup>20</sup>

The only enforcement mechanism provided by these laws is judicial proceedings. The study should include whether it is appropriate to provide alternative enforcement mechanisms that are less expensive and time consuming.

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18. See Gov't Code §§ 6250-6270.

19. See Civ. Code §§ 1798-1798.77.

20. The Information Practices Act also contains many ambiguities and other drafting defects that could be addressed in the proposed study.

While the Public Records Act includes computer records in its definition of a “public record” subject to disclosure, it does not distinguish between traditional forms of computer records (such as databases and spreadsheets) and newly important forms (such as email and web pages). Because privacy issues are directly implicated by electronic transmission and storage of information, the study should include a determination of the adequacy of the Public Records Act’s treatment of electronic information.

### **Statutes of Limitation for Legal Malpractice Actions**

The statute of limitations for legal malpractice actions is tolled during the time the client has not sustained actual injury.<sup>21</sup> There are ongoing problems with the determination for when actual injury occurs and how the law should be applied in the context of simultaneous litigation.<sup>22</sup> A study should be made to determine whether the law should be revised to recognize equitable tolling or other adjustment for the circumstances of simultaneous litigation, and related matters.

### **Function and Procedure of Commission**

The principal duties of the Commission<sup>23</sup> are to:

- (1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.
- (2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws,<sup>24</sup> bar associations, and other learned

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21. Code Civ. Proc. § 340.6(a).

22. See, e.g., *Jordache Enterprises, Inc. v. Brobeck, Phleger & Harrison*, 76 Cal. Rptr. 2d 749 (1998); Ochoa & Wistrich, *Limitation of Legal Practice Actions: Defining Actual Injury and the Problem of Simultaneous Litigation*, 24 Sw. U. L. Rev. 1 (1994).

23. Gov’t Code §§ 8280-8298 (statute governing California Law Revision Commission). See Appendix 1 *infra* pp. 711-16.

24. The Legislative Counsel, an ex officio member of the Law Revision Commission, serves as a Commissioner of the Commission on Uniform State Laws. See Gov’t Code § 8261. The Commission’s Executive Secretary serves as

bodies, and from judges, public officials, lawyers, and the public generally.

- (3) Recommend such changes in the law as it deems necessary to bring California law into harmony with modern conditions.<sup>25</sup>

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. As a general rule, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study.<sup>26</sup> However, the Commission may study and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution.<sup>27</sup>

### **Background Studies**

The Commission's work on a recommendation typically begins after a background study has been prepared. The background study may be prepared by a member of the Commission's staff or by a specialist in the field who is retained as a consultant. Law professors and practicing attorneys who serve as consultants have already acquired the considerable knowledge necessary to understand the specific problems under consideration, and they receive little more than an honorarium for their services. From time to time, expert consultants are also retained to advise the Commission at meetings.

### **Recommendations**

After making its preliminary decisions on a subject, the Commission ordinarily distributes a tentative recommendation to interested persons and organizations, including the State Bar, local and spe-

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an Associate Member of the National Conference of Commissioners on Uniform State Laws.

25. Gov't Code § 8289. The Commission is also directed to recommend the express repeal of all statutes repealed by implication or held unconstitutional by the California Supreme Court or the United States Supreme Court. Gov't Code § 8290. See "Report on Statutes Repealed by Implication or Held Unconstitutional" *infra* p. 708.

26. Gov't Code § 8293.

27. Gov't Code § 8298.

cialized bar associations, public interest organizations, and business and professional associations. Notice of the availability of the tentative recommendation is mailed to interested persons on the Commission's mailing list and publicized in legal newspapers and other relevant publications. Notice is also posted on the Commission's website and emailed to interested persons.

Comments received on the tentative recommendation are considered by the Commission in determining what recommendation, if any, will be made to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation<sup>28</sup> to the Legislature (including a draft of any necessary legislation) is published and distributed in printed form and electronically on the Internet. If a background study has been prepared in connection with the recommendation, it may be published by the Commission or in a law review.<sup>29</sup>

### **Official Comments**

The Commission ordinarily prepares an official Comment explaining each section it recommends. These Comments are

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28. Occasionally one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission. Dissents are noticed in the minutes of the meeting where the recommendation is approved.

29. For recent background studies published in law reviews, see Asimow, *The Scope of Judicial Review of Decisions of California Administrative Agencies*, 42 UCLA L. Rev. 1157 (1995); Asimow, *Toward a New California Administrative Procedure Act: Adjudication Fundamentals*, 39 UCLA L. Rev. 1067 (1992); Kasner, *Donative and Interspousal Transfers of Community Property in California: Where We Are (or Should Be) After MacDonald*, 23 Pac. L.J. 361 (1991). A revised version of Prof. Fellmeth's background study on unfair competition litigation was published as Fellmeth, *Unfair Competition Act Enforcement by Agencies, Prosecutors, and Private Litigants: Who's on First?*, 15 Cal. Reg. L. Rep. 1 (Winter 1995).

For a list of background studies published in law reviews before 1991, see 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971); 11 Cal. L. Revision Comm'n Reports 1008 n.5, 1108 n.5 (1973); 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976); 16 Cal. L. Revision Comm'n Reports 2021 n.6 (1982); 17 Cal. L. Revision Comm'n Reports 819 n.6 (1984); 18 Cal. L. Revision Comm'n Reports 212 n.17, 1713 n.20 (1986); 19 Cal. L. Revision Comm'n Reports 513 n.22 (1988); 20 Cal. L. Revision Comm'n Reports 198 n.16 (1990).

included in the Commission's printed recommendations. Comments may be revised by the Commission in later reports to reflect amendments made in the legislative process.<sup>30</sup> Reports provide background with respect to Commission intent in proposing the legislation, such intent being reflected in the Comments to the various sections of the bill contained in the Commission's recommendation, except to the extent that new or revised Comments are set out in the report on the bill as amended.<sup>31</sup>

A Comment indicates the derivation of a section and often explains its purpose, its relation to other sections, and potential issues concerning its meaning or application. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions.<sup>32</sup> However, while the Commission

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30. Many amendments are made on Commission recommendation to address matters brought to the Commission's attention after publication of its recommendation. In some cases, however, a bill may be amended in a way that the Commission believes is not desirable and does not recommend.

31. For an example of such a report, see Appendix 4 *infra* pp. 745-46. Reports containing new or revised comments are printed in the next Annual Report following enactment of a recommendation, and may be found by reference to the "Cumulative Table of Sections Affected by Commission Recommendations" included in each bound volume of Commission reports. For a description of legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno*, 33 Cal. App. 3d 877, 884, 109 Cal. Rptr. 421, 426 (1973).

On rare occasions, the Commission will approve revised Comments to make important editorial changes or correct obvious errors in past Comments, or where comments have become inaccurate due to changes in cross-referenced provisions or other revisions. See, e.g., *Report of the California Law Revision Commission on Corrected Probate Code Comments*, Appendix 8 to the *Annual Report for 1991*, 21 Cal. L. Revision Comm'n Reports 1, 75 (1991).

32. E.g., *Van Arsdale v. Hollinger*, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968); see also *Juran v. Epstein*, 23 Cal. App. 4th 882, 893-94, 28 Cal. Rptr. 2d 588, 594 (1994); *Barkley v. City of Blue Lake*, 18 Cal. App. 4th 1745, 1751 n.3, 23 Cal. Rptr. 2d 315, 318-19 n.3 (1993); *Milligan v. City of Laguna Beach*, 34 Cal. 3d 829, 831, 670 P.2d 1121, 1122, 196 Cal. Rptr. 38, 39 (1983). The Commission concurs with the opinion of the court in *Juran* that staff memorandums to the Commission should not be considered as legislative history. *Id.* at 894 n.5, 28 Cal. Rptr. 2d at 594 n.5.

Commission Comments are published by Lexis Law Publishers and West Publishing Company in their print and CD-ROM editions of the annotated

endeavors in Comments to explain any changes in the law made by a section, the Commission does not claim that every inconsistent case is noted in the Comments, nor can it anticipate judicial conclusions as to the significance of existing case authorities.<sup>33</sup> Hence, failure to note a change in prior law or to refer to an inconsistent judicial decision is not intended to, and should not, influence the construction of a clearly stated statutory provision.<sup>34</sup>

Comments are provided to legislative committee members and staff before a bill is heard and throughout the legislative process. Comments are provided to the Governor's office once a bill has passed the Legislature and is before the Governor for action.

### **Publications**

Commission materials and publications are distributed to the Governor, the Chief Clerks of the Senate and Assembly, and, on request, to heads of state departments, and to interest groups, lawyers, law professors, courts, district attorneys, and law libraries throughout the state.<sup>35</sup> Thus, a large and representative number of interested persons is given an opportunity to study and comment on the Commission's work before it is considered for enactment by the Legislature.<sup>36</sup>

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codes, and printed in selected codes prepared by other publishers. Comments are also available on Westlaw and Lexis.

33. See, e.g., *Arellano v. Moreno*, 33 Cal. App. 3d 877, 109 Cal. Rptr. 421 (1973).

34. The Commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal. 3d 150, 158-59, 491 P.2d 1, 5-6, 98 Cal. Rptr. 649, 653-54 (1971). For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973). See also 1974 Cal. Stat. ch. 227.

35. See Gov't Code § 8291. For availability see "Commission Publications" *infra* pp. [791-812].

36. For a step-by-step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact Finding for Legislation: A Case Study*, 50 A.B.A. J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965). See also Quillinan, *The Role and Procedures of the*



The Commission's reports, recommendations, and studies are republished in hardcover volumes that serve as a permanent record of the Commission's work and, it is believed, a valuable contribution to the legal literature of California. These volumes are available at many county law libraries and at some other libraries. Half of the hardcover volumes are out of print, but others are available for purchase.<sup>37</sup>

### **Electronic Publication and Internet Access**

Since June 1995, the Commission has provided a variety of information on the Internet, including online material and downloadable files.<sup>38</sup> Interested persons with Internet access can find current agendas, meeting minutes, background studies, tentative and final recommendations, staff memorandums, and general background information.

### **Electronic Mail**

Email commenting on Commission proposals or suggesting issues for study is given the same consideration as letter correspondence, if the email message includes the name and regular mailing address of the sender. Email to the Commission may be sent to *commission@clrc.ca.gov* or to *staff@clrc.ca.gov*.

The Commission distributes about half of its tentative and final meeting agendas through email and also gives notice of the availability of tentative recommendations and printed reports by email. The Commission encourages use of email as an inexpensive and expedient means of communication with the Commission.

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*California Law Revision Commission in Probate and Trust Law Changes*, 8 Est. Plan. & Cal. Prob. Rep. 130-31 (Cal. Cont. Ed. Bar 1987).

37. See "Commission Publications" *infra* pp. [791-812].

38. The URL for the Commission's website is <http://www.clrc.ca.gov/>.

## Personnel of Commission

The following persons are members of the Law Revision Commission, as of December 10, 1998:

<b>Members Appointed by Governor</b> <sup>39</sup>	<i>Term Expires</i>
Arthur K. Marshall, Los Angeles <i>Chairperson</i>	October 1, 1999
Robert E. Cooper, Los Angeles	October 1, 1999
Pamela L. Hemminger, Glendale	October 1, 2001
Edwin K. Marzec, Santa Monica	October 1, 1999
Ronald S. Orr, Marina del Rey	October 1, 2001
Sanford M. Skaggs, Walnut Creek	October 1, 2001
Colin W. Wied, San Diego	October 1, 1999

### **Legislative Members** <sup>40</sup>

Assembly Member Howard Wayne, San Diego  
*Vice Chairperson*  
[Senate member vacant]

### **Legislative Counsel** <sup>41</sup>

Bion M. Gregory, Sacramento

In January 1998, Assembly Member Howard Wayne was appointed by the Speaker of the Assembly as the Commission's Assembly member, succeeding Assembly Member Dick Ackerman.

39. Seven Commission members are appointed by the Governor with the advice and consent of the Senate. Gov't Code § 8281. These Commissioners serve staggered four-year terms. *Id.* The provision in Government Code Section 8281 to the effect that Commission members appointed by the Governor hold office until the appointment and qualification of their successors has been superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

40. The Senate and Assembly members of the Commission serve at the pleasure of their respective appointing powers, the Senate Committee on Rules and the Speaker of the Assembly. Gov't Code § 8281.

41. The Legislative Counsel serves on the Commission by virtue of office. Gov't Code § 8281.

At the January 23, 1998, Commission meeting, Edwin K. Marzec was elected as Chairperson, for the remainder of the term of Christine W.S. Byrd, whose term as Commissioner had expired. Arthur K. Marshall was elected as Vice Chairperson (succeeding Mr. Marzec).

In June 1998, Governor Wilson appointed Pamela L. Hemminger and Ronald S. Orr to succeed Christine W.S. Byrd and Allan L. Fink, whose terms of office had expired.

Effective September 1, 1998, the Commission elected Arthur K. Marshall as Chairperson (succeeding Edwin K. Marzec), and Assembly Member Howard Wayne as Vice Chairperson (succeeding Judge Marshall). The terms of the new officers end August 31, 1999.

At the end of November, Senator Quentin L. Kopp left the Senate, and the Commission, as a consequence of term limitations.

The following persons are on the Commission's staff:

*Legal*

Nathaniel Sterling <i>Executive Secretary</i>	Stan Ulrich <i>Assistant Executive Secretary</i>
Barbara S. Gaal <i>Staff Counsel</i>	Brian P. Hebert <i>Staff Counsel</i>
	Robert J. Murphy <i>Staff Counsel</i>

*Administrative-Secretarial*

Lauren M. Trevathan <i>Administrative Assistant</i>	Victoria V. Matias <i>Secretary</i>
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During the spring and fall 1998 law school terms, Thomas H. Halpern, a student at Stanford Law School, continued as a student legal assistant under the work-study program. In the summer, Helen I-Chun Chou, an attorney licensed to practice in the Republic of China and working on her LLM at Stanford Law School, assisted the Commission on a volunteer basis. Deborah S. Bardwick, a student at Stanford Law School, worked as a volunteer student legal assistant during the summer. Starting in the fall, Linda Wong Verheecke worked as a volunteer attorney.

Students at Hastings College of Law, working under the auspices of the Public Law Research Institute, assisted the Commission under the direction of Stephanie E. Shaw.

### **Commission Budget**

The Commission's operations are funded from the state general fund. The amount appropriated to the Commission for the 1998-99 fiscal year is \$597,000. This amount is the same as the previous year's funding.

The Commission receives substantial donations of necessary library materials from the legal publishing community, especially California Continuing Education of the Bar, Lexis Law Publishers, and West Publishing Company. The Commission receives additional library materials from other legal publishers and from other law reform agencies on an exchange basis, and has full access to the Stanford University Law Library. The Commission is grateful for their contributions.

### **Other Activities**

The Commission is directed by statute to cooperate with bar associations and other learned, professional, or scientific associations, institutions, or foundations in any manner suitable for the fulfillment of the purposes of the Commission.<sup>42</sup>

#### **Commissioner Activities**

Commissioner Edwin K. Marzec made presentations to the Los Angeles County Judicial Procedures Committee in June and July 1998, concerning trial court unification under Proposition 220.

#### **National Conference of Commissioners on Uniform State Laws**<sup>43</sup>

The Commission's executive secretary participated in the National Conference of Commissioners on Uniform State Laws, in

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42. Gov't Code § 8296.

43. The Commission is directed by statute to receive and consider proposed changes in the law recommended by the National Conference of Commissioners on Uniform State Laws. Gov't Code § 8289. The Commission's executive secretary is an associate member of the National Conference.

Cleveland, Ohio, July 24-31, 1998. Matters considered at the conference included uniform acts on rules of evidence, electronic transactions, trusts, disclaimer of property interests, and Commercial Code Articles 2B and 9.

The Executive Secretary also continued serving on the drafting committee for a new Uniform Trust Act. The uniform act will be derived from the California Trust Law, a national model enacted on recommendation of the Commission.<sup>44</sup>

### **Bar Associations**

In February 1998, Staff Counsel Barbara Gaal participated in a panel for the Alameda County Bar Association on the mediation confidentiality statutes enacted in 1997 on Commission recommendation.

In May 1998, Staff Counsel Brian Hebert met with the Land Use Section of the California County Counsels' Association to provide information on the Commission's study of consolidation of the state environmental laws

### **Visitors**

In May, the Commission's staff was visited by Arthur L. Close, Q.C., former Chairman of the British Columbia Law Reform Commission, and now Executive Director of its privately-funded successor body, the British Columbia Law Institute.

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44. See *Recommendation Proposing the Trust Law*, 18 Cal. L. Revision Comm'n Reports 501 (1986) (enacted by 1986 Cal. Stat. ch. 820). See also 18 Cal. L. Revision Comm'n Reports 1207 (1986) (Trust Law as enacted, with revised Comments).

## **Legislative History of Recommendations Submitted to 1998 Legislative Session**

The Commission's recommendations in the 1998 legislative session were included in four bills introduced in 1998 and four two-year bills carried over from 1997. Six of these bills were enacted. Two bills were not enacted.<sup>45</sup>

### **Real Property Covenants**

Assembly Bill 707 (1998 Cal. Stat. ch. 14) was a two-year bill introduced by Assembly Member Dick Ackerman in 1997. It implements the Commission recommendation on *Repeal of Civil Code Section 1464: The First Rule in Spencer's Case*, 26 Cal. L. Revision Comm'n Reports 29 (1996), and one aspect of the recommendation on *Marketable Title: Enforceability of Land Use Restrictions*, 26 Cal. L. Revision Comm'n Reports 289 (1996). The bill was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 14 of the Statutes of 1998 (Assembly Bill 707)*, 28 Cal. L. Revision Comm'n Reports 745 (1998) (Appendix 4 *infra* pp. 745-46).

### **Ethical Standards for Administrative Law Judges**

Assembly Bill 2164 (1998 Cal. Stat. ch. 95) was introduced by Assembly Member Howard Wayne to effectuate the Commission recommendation on *Ethical Standards for Administrative Law Judges*, 26 Cal. L. Revision Comm'n Reports 277 (1996). The bill was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 95 of the Statutes of 1998 (Assembly Bill 2164)*, 28 Cal. L. Revision Comm'n Reports 747 (1998) (Appendix 5 *infra* pp. 747-50).

### **Best Evidence Rule**

Senate Bill 177 (1998 Cal. Stat. ch. 100) was a two-year bill introduced by Senator Quentin L. Kopp in 1997 to effectuate the

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45. In addition, the Commission's recommendation on *Inheritance by Foster Child or Stepchild*, 27 Cal. L. Revision Comm'n Reports 625 (1997), was removed from an Assembly Judiciary Committee bill (AB 2801) before final passage.

Commission recommendation on the *Best Evidence Rule*, 26 Cal. L. Revision Comm'n Reports 369 (1996). The bill was enacted without change, except that the operative date and other dates in the uncodified transitional provision were delayed to January 1, 1999.

### **Uniform TOD Security Registration Act**

Assembly Bill 1683 (1998 Cal. Stat. ch. 242) was introduced by Assembly Member Steven T. Kuykendall. It implements the Commission recommendation on *Uniform TOD Security Registration Act*, 28 Cal. L. Revision Comm'n Reports 577 (1998). The bill was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 242 of the Statutes of 1998 (Assembly Bill 1683)*, 28 Cal. L. Revision Comm'n Reports 751 (1998) (Appendix 6 *infra* pp. 751-52).

### **Trial Court Unification**

Senate Bill 2139 (1998 Cal. Stat. ch. 931) was introduced by Senator Bill Lockyer to effectuate the Commission recommendation on *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51 (1998). The bill was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 931 of the Statutes of 1998 (Senate Bill 2139)*, 28 Cal. L. Revision Comm'n Reports 753 (1998) (Appendix 7 *infra* pp. 753-62).

Proposition 220 (1996 Cal. Stat. res. ch. 36), approved by the electors on June 2, 1998, was introduced as Senate Constitutional Amendment 4 by Senator Bill Lockyer. The constitutional amendment includes provisions recommended by the Commission in connection with a predecessor measure, Senate Constitutional Amendment 3 by Senator Bill Lockyer. See *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994). The recommendation provides background relating to the provisions of Proposition 220. See *Report of the California Law Revision Commission on Proposition 220 of 1998 (Senate Constitutional Amendment 4)*, 28 Cal. L. Revision Comm'n Reports 763 (1998) (Appendix 8 *infra* pp. 763-66).

**Response to Demand for Production of Documents in Discovery**

Assembly Bill 1094 (1998 Cal. Stat. ch. 932) was introduced by the Assembly Judiciary Committee. The legislation includes a provision recommended by the Commission. 1998 Cal. Stat. ch. 932, § 23. See *Response to Demand for Production of Documents in Discovery*, 28 Cal. L. Revision Comm'n Reports 561 (1998).

**Judicial Review of Agency Action**

Senate Bills 209 and 261 were two-year bills introduced by Senator Quentin L. Kopp in 1997 to effectuate the Commission recommendation on *Judicial Review of Agency Action*, 27 Cal. L. Revision Comm'n Reports 1 (1997). Senate Bill 209 failed passage in the Senate Judiciary Committee. Enactment of SB 261, containing conforming revisions contingent on SB 209, was not pursued.

**Business Judgment Rule**

Senate Bill 2063 was introduced by Senator Quentin L. Kopp to effectuate the Commission recommendation on the *Business Judgment Rule*, 28 Cal. L. Revision Comm'n Reports 1 (1998). The bill failed passage in the Senate Judiciary Committee.

**Resolution Authorizing Topics for Study**

Senate Concurrent Resolution 65 (1998 Cal. Stat. res. ch. 91) was introduced by Senator Quentin L. Kopp. It continues the Commission's authority to study 21 topics previously authorized.

**Report on Statutes Repealed by Implication  
or Held Unconstitutional**

Government Code Section 8290 provides:

The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

Pursuant to this directive, the Commission has reviewed the decisions of the United States Supreme Court and the California



Supreme Court published since the Commission's last Annual Report was prepared<sup>46</sup> and has the following to report:

- No decision holding a state statute repealed by implication has been found.
- No decision of the United States Supreme Court holding a state statute unconstitutional has been found.
- No decision of the California Supreme Court holding a state statute unconstitutional has been found.

### **Recommendations**

The Law Revision Commission respectfully recommends that the Legislature authorize the Commission to complete its study of the topics previously authorized,<sup>47</sup> to study the new topics recommended for study,<sup>48</sup> and to remove five topics from the Commission's calendar.<sup>49</sup>

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46. This study has been carried through 19 Cal. 4th 108 and 118 S. Ct. (1997-98 Term).

47. See "Calendar of Topics Authorized for Study," Appendix 2 *infra* pp. 717-20.

48. See "Topics for Future Consideration" *supra* pp. 694-96.

49. See "Calendar of Topics for Study" *supra* pp. 693-94.



## APPENDIX 1

### STATUTE GOVERNING THE CALIFORNIA LAW REVISION COMMISSION

#### GOVERNMENT CODE SECTIONS 8280-8298\*

##### **§ 8280. Creation**

8280. There is created in the State Government the California Law Revision Commission.

##### **§ 8281. Membership**

8281. The commission consists of one Member of the Senate appointed by the Committee on Rules, one Member of the Assembly appointed by the Speaker, and seven additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel shall be an ex officio member of the commission.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that the participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this article, those Members of the Legislature shall constitute a joint interim investigating committee on the subject of this article and as a joint interim investigating committee shall have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

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\* Added by 1984 Cal. Stat. ch. 1335, § 2; see also 1985 Cal. Stat. ch. 106, § 45 (amending Section 8295); 1989 Cal. Stat. ch. 152, § 1 (adding Section 8298). Formerly Gov't Code §§ 10300-10340, added by 1953 Cal. Stat. ch. 1445, § 2; amended by 1960 Cal. Stat. ch. 61, § 1 (1st Ex. Sess.); 1965 Cal. Stat. ch. 371, § 110; 1978 Cal. Stat. ch. 228, § 1; 1981 Cal. Stat. ch. 1106, § 2.

The members appointed by the Governor shall be appointed for a term of four years and shall hold office until the appointment and qualification of their successors. The terms of the members first appointed shall not commence earlier than October 1, 1953, and shall expire as follows: four on October 1, 1955, and three on October 1, 1957. When a vacancy occurs in any office filled by appointment by the Governor, he or she shall appoint a person to the office, who shall hold office for the balance of the unexpired term of his or her predecessor.

**Note.** The provision in the third paragraph to the effect that Commission members appointed by the Governor hold office until appointment and qualification of their successors is superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

#### **§ 8282. Compensation and expenses**

8282. (a) The members of the commission shall serve without compensation, except that each member appointed by the Governor shall receive fifty dollars (\$50) for each day's attendance at a meeting of the commission.

(b) In addition, each member shall be allowed actual expenses incurred in the discharge of his or her duties, including travel expenses.

**Note.** Government Code Section 11564.5 provides a per diem compensation of \$100, notwithstanding any other provision of law.

#### **§ 8283. Chairperson**

8283. The commission shall select one of its members chairperson.

#### **§ 8284. Executive secretary**

8284. The commission may appoint an executive secretary and fix his or her compensation, in accordance with law.

**§ 8285. Employees**

8285. The commission may employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary.

**§ 8286. Assistance of state**

8286. The material of the State Library shall be made available to the commission. All state agencies, and other official state organizations, and all persons connected therewith shall give the commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control.

**§ 8287. Assistance of bar**

8287. The Board of Governors of the State Bar shall assist the commission in any manner the commission may request within the scope of its powers or duties.

**§ 8288. Political activities of commissioners and staff**

8288. No employee of the commission and no member appointed by the Governor shall, with respect to any proposed legislation concerning matters assigned to the commission for study pursuant to Section 8293, advocate the passage or defeat of the legislation by the Legislature or the approval or veto of the legislation by the Governor or appear before any committee of the Legislature as to such matters unless requested to do so by the committee or its chairperson. In no event shall an employee or member of the commission appointed by the Governor advocate the passage or defeat of any legislation or the approval or veto of any legislation by the Governor, in his or her official capacity as an employee or member.

**§ 8289. Duties of commission**

8289. The commission shall, within the limitations imposed by Section 8293:

(a) Examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(d) Recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state into harmony with modern conditions.

**§ 8290. Unconstitutional and impliedly repealed statutes**

8290. The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

**§ 8291. Submission and distribution of reports**

8291. The commission shall submit its reports, and its recommendations as to revision of the laws, to the Governor and the Legislature, and shall distribute them to the Governor, the Members of the Legislature, and the heads of all state departments.

**Note.** Section 8291 is limited by later-enacted rules governing distribution of state reports set out in Government Code Sections 9795 and 11094-11099.

**§ 8292. Contents of reports**

8292. The commission may, within the limitations imposed by Section 8293, include in its report the legislative measures proposed by it to effect the adoption or enactment of the proposed revision. The reports may be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission with a full and accurate index thereto.

**§ 8293. Calendar of topics**

8293. The commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. After the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the Legislature. The commission shall also study any topic which the Legislature, by concurrent resolution, refers to it for the study.

**§ 8294. Printing of reports**

8294. The reports, exhibits, and proposed legislative measures shall be printed by the State Printing Office under the supervision of the commission. The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission.

**§ 8295. Cooperation with legislative committees**

8295. The commission shall confer and cooperate with any legislative committee on revision of the law and may contract with any committee for the rendition of service, by either for the other, in the work of revision.

**§ 8296. Cooperation with bar and other associations**

8296. The commission may cooperate with any bar association or other learned, professional, or scientific association, institution or foundation in any manner suitable for the fulfillment of the purposes of this article.

**§ 8297. Research contracts**

8297. The commission may, with the approval of the Director of General Services, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research.

**§ 8298. Recommendations concerning minor revisions**

8298. The commission may study and recommend revisions to correct technical or minor substantive defects in the statutes of the state without a prior concurrent resolution of the Legislature referring the matter to it for study.

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## APPENDIX 2

### CALENDAR OF TOPICS AUTHORIZED FOR STUDY

The Commission's calendar of topics authorized for study includes the subjects listed below. Each of these topics has been authorized for Commission study by the Legislature. For the current authorizing resolution, see 1998 Cal. Stat. res. ch. 91.

**1. Creditors' remedies.** Whether the law should be revised that relates to creditors' remedies, including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code provisions on repossession of property), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, insolvency, and related matters.<sup>1</sup>

**2. Probate Code.** Whether the California Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code.<sup>2</sup>

**3. Real and personal property.** Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on land use or relating to land, possibilities of reverter, powers of termination, Section 1464 of the Civil Code, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon assignment, subletting, termination, or abandonment of a lease, powers of appointment, and related matters.<sup>3</sup>

**4. Family law.** Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption,

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1. See also 1983 Cal. Stat. res. ch. 40; 1974 Cal. Stat. res. ch. 45; 1972 Cal. Stat. res. ch. 27; 1957 Cal. Stat. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, Annual Report for 1957, at 15-16 (1957).

2. See also 1980 Cal. Stat. res. ch. 37.

3. See 1983 Cal. Stat. res. ch. 40, consolidating various previously authorized aspects of real and personal property law into one comprehensive topic. Expanded in 1988 Cal Stat. res. ch. 81.

guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code.<sup>4</sup>

**5. Class actions.** Whether the law relating to class actions should be revised.<sup>5</sup>

**6. Offers of compromise.** Whether the law relating to offers of compromise should be revised.<sup>6</sup>

**7. Discovery in civil cases.** Whether the law relating to discovery in civil cases should be revised.<sup>7</sup>

**8. Procedure for removal of invalid liens.** Whether a summary procedure should be provided by which property owners can remove doubtful or invalid liens from their property, including a provision for the payment of attorneys' fees to the prevailing party.<sup>8</sup>

**9. Special assessments for public improvements.** Whether the acts governing special assessments for public improvement should be simplified and unified.<sup>9</sup>

**10. Rights and disabilities of minors and incompetent persons.** Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised.<sup>10</sup>

**11. Evidence.** Whether the Evidence Code should be revised.<sup>11</sup>

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4. See 1997 Cal. Stat. res. ch. 102, consolidating Family Code authority, child custody, adoption, and guardianship authority, and family law proceedings authority. See also 1995 Cal. Stat. res. ch. 87; 1989 Cal. Stat. res. ch. 70; 1983 Cal. Stat. res. ch. 40; 1978 Cal. Stat. res. ch. 65; 1972 Cal. Stat. res. ch. 27; 1956 Cal. Stat. res. ch. 42.

5. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 524-25 (1974.)

6. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 525-26 (1974).

7. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 526-28 (1974).

8. See also 1980 Cal. Stat. res. ch. 37.

9. See also 1980 Cal. Stat. res. ch. 37.

10. See also 1979 Cal. Stat. res. ch. 19; 14 Cal. L. Revision Comm'n Reports 217-18 (1978).

11. See also 1965 Cal. Stat. res. ch. 130.

**12. Arbitration.** Whether the law relating to arbitration should be revised.<sup>12</sup>

**13. Administrative law.** Whether there should be changes to administrative law.<sup>13</sup>

**14. Attorney's fees.** Whether the law relating to the payment and the shifting of attorney's fees between litigants should be revised.<sup>14</sup>

**15. Uniform Unincorporated Nonprofit Association Act.** Whether the Uniform Unincorporated Nonprofit Association Act, or parts of that uniform act, and related provisions should be adopted in California.<sup>15</sup>

**16. Unfair competition litigation.** Whether the law governing unfair competition litigation under Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code should be revised to clarify the scope of the chapter and to resolve procedural problems in litigation under the chapter, including the res judicata and collateral estoppel effect on the public of a judgment between the parties to the litigation, and related matters.<sup>16</sup>

**17. Shareholders' rights and corporate director responsibilities.** Whether the requirement of paragraph (2) of subdivision (b) of Section 800 of the Corporations Code that the plaintiff in a shareholder's derivative action must allege the plaintiff's efforts to secure board action or the reasons for not making the effort, the standard under Section 309 of the Corporations Code for protection of a director from liability for a good faith business judgment, and related provisions, should be revised.<sup>17</sup>

**18. Trial court unification.** Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification.<sup>18</sup>

**19. Tolling statutes of limitation.** Whether Section 351 of the Code of Civil Procedure, relating to tolling statutes of limitations while the defendant is out of state, and related matters, should be revised.<sup>19</sup>

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12. See also 1968 Cal. Stat. res. ch. 110; 8 Cal. L. Revision Comm'n Reports 1325-26 (1967).

13. See also 1987 Cal. Stat. res. ch. 47.

14. See also 1995 Cal. Stat. res. ch. 87; 1988 Cal. Stat. res. ch. 20.

15. See also 1993 Cal. Stat. res. ch. 31.

16. See also 1993 Cal. Stat. res. ch. 31.

17. See also 1993 Cal. Stat. res. ch. 31.

18. See also 1995 Cal. Stat. res. ch. 87; 1993 Cal. Stat. res. ch. 96.

19. See also 1994 Cal. Stat. res. ch. 81; 23 Cal. L. Revision Comm'n Reports 915 (1993).

**20. Contract law.** Whether the California law of contracts should be revised, including the law relating to the effect of electronic communications on the law governing contract formation, the statute of frauds, the parol evidence rule, and related matters.<sup>20</sup>

**21. Environmental law.** Whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative statutes.<sup>21</sup>

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20. See also 1996 Cal. Stat. res. ch. 38; 25 Cal. L. Revision Comm'n Reports 628-29 (1995).

21. See also 1996 Cal. Stat. res. ch. 38.

## APPENDIX 3

### LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

**Note.** The “Action by Legislature” column includes references to relevant legislative history, following the italicized “*See.*” References are to volume and page of the Commission’s Reports. (Addition of these references is an ongoing project.)

<b>Recommendation</b>	<b>Action by Legislature</b>
1. <i>Partial Revision of Education Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 12 (1957)	Enacted. 1955 Cal. Stat. chs. 799, 877
2. <i>Summary Distribution of Small Estates Under Probate Code Sections 640 to 646</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 50 (1957)	Enacted. 1955 Cal. Stat. ch. 1183
3. <i>Fish and Game Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1957, at 13 (1957)	Enacted. 1957 Cal. Stat. ch. 456
4. <i>Maximum Period of Confinement in a County Jail</i> , 1 Cal. L. Revision Comm’n Reports, at A-1 (1957)	Enacted. 1957 Cal. Stat. ch. 139
5. <i>Notice of Application for Attorney’s Fees and Costs in Domestic Relations Actions</i> , 1 Cal. L. Revision Comm’n Reports, at B-1 (1957)	Enacted. 1957 Cal. Stat. ch. 540
6. <i>Taking Instructions to Jury Room</i> , 1 Cal. L. Revision Comm’n Reports, at C-1 (1957)	Not enacted. But see Code Civ. Proc. § 612.5, enacting substance of this recommendation
7. <i>The Dead Man Statute</i> , 1 Cal. L. Revision Comm’n Reports, at D-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Evid. Code § 1261 Comment
8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere</i> , 1 Cal. L. Revision Comm’n Reports, at E-1 (1957)	Enacted. 1957 Cal. Stat. ch. 490
9. <i>The Marital “For and Against” Testimonial Privilege</i> , 1 Cal. L. Revision Comm’n Reports, at F-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Evid. Code § 970 Comment

Recommendation	Action by Legislature
10. <i>Suspension of the Absolute Power of Alienation</i> , 1 Cal. L. Revision Comm'n Reports, at G-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 14 (1959)	Enacted. 1959 Cal. Stat. ch. 470
11. <i>Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378</i> , 1 Cal. L. Revision Comm'n Reports, at H-1 (1957)	Enacted. 1957 Cal. Stat. ch. 102
12. <i>Judicial Notice of the Law of Foreign Countries</i> , 1 Cal. L. Revision Comm'n Reports, at I-1 (1957)	Enacted. 1957 Cal. Stat. ch. 249
13. <i>Choice of Law Governing Survival of Actions</i> , 1 Cal. L. Revision Comm'n Reports, at J-1 (1957)	No legislation recommended
14. <i>Effective Date of Order Ruling on a Motion for New Trial</i> , 1 Cal. L. Revision Comm'n Reports, at K-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 16 (1959)	Enacted. 1959 Cal. Stat. ch. 468
15. <i>Retention of Venue for Convenience of Witnesses</i> , 1 Cal. L. Revision Comm'n Reports, at L-1 (1957)	Not enacted
16. <i>Bringing New Parties Into Civil Actions</i> , 1 Cal. L. Revision Comm'n Reports, at M-1 (1957)	Enacted. 1957 Cal. Stat. ch. 1498
17. <i>Grand Juries</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 20 (1959)	Enacted. 1959 Cal. Stat. ch. 501
18. <i>Procedure for Appointing Guardians</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 21 (1959)	Enacted. 1959 Cal. Stat. ch. 500
19. <i>Appointment of Administrator in Quiet Title Action</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 29 (1959)	No legislation recommended
20. <i>Presentation of Claims Against Public Entities</i> , 2 Cal. L. Revision Comm'n Reports, at A-1 (1959)	Enacted. 1959 Cal. Stat. chs. 1715, 1724, 1725, 1726, 1727, 1728; Cal. Const., art. XI, § 10 (1960)

<b>Recommendation</b>	<b>Action by Legislature</b>
21. <i>Right of Nonresident Aliens to Inherit</i> , 2 Cal. L. Revision Comm'n Reports, at B-1 (1959); 11 Cal. L. Revision Comm'n Reports 421 (1973)	Enacted. 1974 Cal. Stat. ch. 425
22. <i>Mortgages to Secure Future Advances</i> , 2 Cal. L. Revision Comm'n Reports, at C-1 (1959)	Enacted. 1959 Cal. Stat. ch. 528
23. <i>Doctrine of Worthier Title</i> , 2 Cal. L. Revision Comm'n Reports, at D-1 (1959)	Enacted. 1959 Cal. Stat. ch. 122
24. <i>Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving</i> , 2 Cal. L. Revision Comm'n Reports, at E-1 (1959)	Not enacted. But see 1972 Cal. Stat. ch. 92, enacting substance of a portion of recommendation relating to drunk driving
25. <i>Time Within Which Motion for New Trial May Be Made</i> , 2 Cal. L. Revision Comm'n Reports, at F-1 (1959)	Enacted. 1959 Cal. Stat. ch. 469
26. <i>Notice to Shareholders of Sale of Corporate Assets</i> , 2 Cal. L. Revision Comm'n Reports, at G-1 (1959)	Not enacted. But see Corp. Code §§ 1001, 1002, enacting substance of recommendation
27. <i>Evidence in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at A-1 (1961)	Not enacted. But see Evid. Code § 810 <i>et seq.</i> enacting substance of recommendation
28. <i>Taking Possession and Passage of Title in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at B-1 (1961)	Enacted. 1961 Cal. Stat. chs. 1612, 1613
29. <i>Reimbursement for Moving Expenses When Property Is Acquired for Public Use</i> , 3 Cal. L. Revision Comm'n Reports, at C-1 (1961)	Not enacted. But see Gov't Code § 7260 <i>et seq.</i> enacting substance of recommendation
30. <i>Rescission of Contracts</i> , 3 Cal. L. Revision Comm'n Reports, at D-1 (1961)	Enacted. 1961 Cal. Stat. ch. 589
31. <i>Right to Counsel and Separation of Delinquent From Nondelinquent Minor in Juvenile Court Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at E-1 (1961)	Enacted. 1961 Cal. Stat. ch. 1616
32. <i>Survival of Actions</i> , 3 Cal. L. Revision Comm'n Reports, at F-1 (1961)	Enacted. 1961 Cal. Stat. ch. 657
33. <i>Arbitration</i> , 3 Cal. L. Revision Comm'n Reports, at G-1 (1961)	Enacted. 1961 Cal. Stat. ch. 461

Recommendation	Action by Legislature
34. <i>Presentation of Claims Against Public Officers and Employees</i> , 3 Cal. L. Revision Comm'n Reports, at H-1 (1961)	Not enacted 1961. See recommendation to 1963 session (item 39 <i>infra</i> ) which was enacted
35. <i>Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere</i> , 3 Cal. L. Revision Comm'n Reports, at I-1 (1961)	Enacted. 1961 Cal. Stat. ch. 636
36. <i>Notice of Alibi in Criminal Actions</i> , 3 Cal. L. Revision Comm'n Reports, at J-1 (1961)	Not enacted
37. <i>Discovery in Eminent Domain Proceedings</i> , 4 Cal. L. Revision Comm'n Reports 701 (1963); 8 Cal. L. Revision Comm'n Reports 19 (1967)	Enacted. 1967 Cal. Stat. ch. 1104
38. <i>Tort Liability of Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 801 (1963)	Enacted. 1963 Cal. Stat. ch. 1681 <i>See 4:211, 219</i>
39. <i>Claims, Actions and Judgments Against Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1001 (1963)	Enacted. 1963 Cal. Stat. ch. 1715 <i>See 4:211, 222</i>
40. <i>Insurance Coverage for Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1201 (1963)	Enacted. 1963 Cal. Stat. ch. 1682 <i>See 4:212, 223</i>
41. <i>Defense of Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1301 (1963)	Enacted. 1963 Cal. Stat. ch. 1683 <i>See 4:212, 224</i>
42. <i>Liability of Public Entities for Ownership and Operation of Motor Vehicles</i> , 4 Cal. L. Revision Comm'n Reports 1401 (1963); 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 1527
43. <i>Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer</i> , 4 Cal. L. Revision Comm'n Reports 1501 (1963)	Enacted. 1963 Cal. Stat. ch. 1684 <i>See 4:212, 224</i>
44. <i>Sovereign Immunity — Amendments and Repeals of Inconsistent Statutes</i> , 4 Cal. L. Revision Comm'n Reports 1601 (1963)	Enacted. 1963 Cal. Stat. chs. 1685, 1686, 2029 <i>See 4:213</i>
45. <i>Evidence Code</i> , 7 Cal. L. Revision Comm'n Reports 1 (1965)	Enacted. 1965 Cal. Stat. ch. 299 <i>See 7:912, 923</i>



<b>Recommendation</b>	<b>Action by Legislature</b>
46. <i>Claims and Actions Against Public Entities and Public Employees</i> , 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 653 <i>See 7:914, 928</i>
47. <i>Evidence Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 101 (1967)	Enacted in part. 1967 Cal. Stat. ch. 650. Balance enacted. 1970 Cal. Stat. ch. 69 <i>See 8:1315</i>
48. <i>Evidence — Agricultural Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 201 (1967)	Enacted. 1967 Cal. Stat. ch. 262
49. <i>Evidence — Commercial Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 301 (1967)	Enacted. 1967 Cal. Stat. ch. 703
50. <i>Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property</i> , 8 Cal. L. Revision Comm'n Reports 401 (1967); 8 Cal. L. Revision Comm'n Reports 1385 (1967)	Enacted. 1968 Cal. Stat. chs. 457, 458 <i>See 8:1318; 9:18</i>
51. <i>Vehicle Code Section 17150 and Related Sections</i> , 8 Cal. L. Revision Comm'n Reports 501 (1967)	Enacted. 1967 Cal. Stat. ch. 702 <i>See 8:1317</i>
52. <i>Additur</i> , 8 Cal. L. Revision Comm'n Reports 601 (1967)	Enacted. 1967 Cal. Stat. ch. 72 <i>See 8:1317</i>
53. <i>Abandonment or Termination of a Lease</i> , 8 Cal. L. Revision Comm'n Reports 701 (1967); 9 Cal. L. Revision Comm'n Reports 401 (1969); 9 Cal. L. Revision Comm'n Reports 153 (1969)	Enacted. 1970 Cal. Stat. ch. 89 <i>See 8:1319; 10:1018</i>
54. <i>Good Faith Improver of Land Owned by Another</i> , 8 Cal. L. Revision Comm'n Reports 801 (1967); 8 Cal. L. Revision Comm'n Reports 1373 (1967)	Enacted. 1968 Cal. Stat. ch. 150 <i>See 8:2319; 9:19</i>
55. <i>Suit By or Against an Unincorporated Association</i> , 8 Cal. L. Revision Comm'n Reports 901 (1967)	Enacted. 1967 Cal. Stat. ch. 1324 <i>See 8:1317</i>
56. <i>Escheat</i> , 8 Cal. L. Revision Comm'n Reports 1001 (1967)	Enacted. 1968 Cal. Stat. chs. 247, 356 <i>See 9:16</i>
57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 Cal. L. Revision Comm'n Reports 1361 (1967)	Enacted. 1968 Cal. Stat. ch. 133 <i>See 9:19</i>

Recommendation	Action by Legislature
58. <i>Service of Process on Unincorporated Associations</i> , 8 Cal. L. Revision Comm'n Reports 1403 (1967)	Enacted. 1968 Cal. Stat. ch. 132 <i>See 9:18</i>
59. <i>Sovereign Immunity — Statute of Limitations</i> , 9 Cal. L. Revision Comm'n Reports 49 (1969); 9 Cal. L. Revision Comm'n Reports 175 (1969)	Enacted. 1970 Cal. Stat. ch. 104 <i>See 9:98</i>
60. <i>Additur and Remittitur</i> , 9 Cal. L. Revision Comm'n Reports 63 (1969)	Enacted. 1969 Cal. Stat. ch. 115 <i>See 9:99</i>
61. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 71 (1969)	Enacted. 1969 Cal. Stat. ch. 114 <i>See 9:98</i>
62. <i>Quasi-Community Property</i> , 9 Cal. L. Revision Comm'n Reports 113 (1969)	Enacted. 1970 Cal. Stat. ch. 312 <i>See 10:1019</i>
63. <i>Arbitration of Just Compensation</i> , 9 Cal. L. Revision Comm'n Reports 123 (1969)	Enacted. 1970 Cal. Stat. ch. 417 <i>See 10:1018</i>
64. <i>Revisions of Evidence Code</i> , 9 Cal. L. Revision Comm'n Reports 137 (1969)	Enacted in part. 1970 Cal. Stat. ch. 69. <i>See also 1970 Cal. Stat. chs. 1396, 1397; 1972 Cal. Stat. ch. 888</i> <i>See 10:1018</i>
65. <i>Mutuality of Remedies in Suits for Specific Performance</i> , 9 Cal. L. Revision Comm'n Reports 201 (1969)	Enacted. 1969 Cal. Stat. ch. 156 <i>See 9:99</i>
66. <i>Powers of Appointment</i> , 9 Cal. L. Revision Comm'n Reports 301 (1969)	Enacted. 1969 Cal. Stat. chs. 113, 155 <i>See 9:98</i>
67. <i>Evidence Code — Revisions of Privileges Article</i> , 9 Cal. L. Revision Comm'n Reports 501 (1969)	Vetoed. But see 1970 Cal. Stat. chs. 1396, 1397 <i>See 9:98</i>
68. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 601 (1969)	Enacted. 1970 Cal. Stat. ch. 618 <i>See 10:1019</i>
69. <i>Representation as to the Credit of Third Persons and the Statute of Frauds</i> , 9 Cal. L. Revision Comm'n Reports 701 (1969)	Enacted. 1970 Cal. Stat. ch. 720 <i>See 10:1021</i>
70. <i>Revisions of Governmental Liability Act</i> , 9 Cal. L. Revision Comm'n Reports 801 (1969)	Enacted in part. 1970 Cal. Stat. chs. 662, 1099 <i>See 10:1020</i>
71. <i>“Vesting” of Interests Under Rule Against Perpetuities</i> , 9 Cal. L. Revision Comm'n Reports 901 (1969)	Enacted. 1970 Cal. Stat. ch. 45 <i>See 10:1021</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
72. <i>Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions</i> , 10 Cal. L. Revision Comm'n Reports 501 (1971)	Enacted. 1971 Cal. Stat. chs. 244, 950. See also 1973 Cal. Stat. ch. 828 <i>See 10:1125</i>
73. <i>Wage Garnishment and Related Matters</i> , 10 Cal. L. Revision Comm'n Reports 701 (1971); 11 Cal. L. Revision Comm'n Reports 101 (1973); 12 Cal. L. Revision Comm'n Reports 901 (1974); 13 Cal. L. Revision Comm'n Reports 601 (1976); 13 Cal. L. Revision Comm'n Reports 1703 (1976); 14 Cal. L. Revision Comm'n Reports 261 (1978)	Enacted in part. 1978 Cal. Stat. ch. 1133. See also 1979 Cal. Stat. ch. 66 <i>See 11:1024; 11:1123; 12:530; 13:2012; 14:13, 223; 15:1024</i>
74. <i>Proof of Foreign Official Records</i> , 10 Cal. L. Revision Comm'n Reports 1022 (1971)	Enacted. 1970 Cal. Stat. ch. 41
75. <i>Inverse Condemnation — Insurance Coverage</i> , 10 Cal. L. Revision Comm'n Reports 1051 (1971)	Enacted. 1971 Cal. Stat. ch. 140 <i>See 10:1126</i>
76. <i>Discharge From Employment Because of Wage Garnishment</i> , 10 Cal. L. Revision Comm'n Reports 1147 (1971)	Enacted. 1971 Cal. Stat. ch. 1607 <i>See 10:1126</i>
77. <i>Civil Arrest</i> , 11 Cal. L. Revision Comm'n Reports 1 (1973)	Enacted. 1973 Cal. Stat. ch. 20 <i>See 11:1123</i>
78. <i>Claim and Delivery Statute</i> , 11 Cal. L. Revision Comm'n Reports 301 (1973)	Enacted. 1973 Cal. Stat. ch. 526 <i>See 11:1124</i>
79. <i>Unclaimed Property</i> , 11 Cal. L. Revision Comm'n Reports 401 (1973); 12 Cal. L. Revision Comm'n Reports 609 (1974)	Proposed resolution enacted. 1973 Cal. Stat. res. ch. 76. Legislation enacted. 1975 Cal. Stat. ch. 25 <i>See 11:1124; 12:530; 13:2012</i>
80. <i>Enforcement of Sister State Money Judgments</i> , 11 Cal. L. Revision Comm'n Reports 451 (1973)	Enacted. 1974 Cal. Stat. ch. 211 <i>See 12:534</i>
81. <i>Prejudgment Attachment</i> , 11 Cal. L. Revision Comm'n Reports 701 (1973)	Enacted. 1974 Cal. Stat. ch. 1516. See also 1975 Cal. Stat. ch. 200 <i>See 12:530</i>
82. <i>Landlord-Tenant Relations</i> , 11 Cal. L. Revision Comm'n Reports 951 (1973)	Enacted. 1974 Cal. Stat. chs. 331, 332 <i>See 12:536</i>
83. <i>Pleading</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1024 (1973)	Enacted. 1972 Cal. Stat. ch. 73

Recommendation	Action by Legislature
84. <i>Evidence — Judicial Notice</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1025 (1973)	Enacted. 1972 Cal. Stat. ch. 764
85. <i>Evidence — "Criminal Conduct" Exception</i> , 11 Cal. L. Revision Comm'n Reports 1147 (1973)	Not enacted 1974. See recommendation to 1975 session (item 90 <i>infra</i> ) which was enacted — <i>See 12:535</i>
86. <i>Erroneously Compelled Disclosure of Privileged Information</i> , 11 Cal. L. Revision Comm'n Reports 1163 (1973)	Enacted. 1974 Cal. Stat. ch. 227 <i>See 12:535</i>
87. <i>Liquidated Damages</i> , 11 Cal. L. Revision Comm'n Reports 1201 (1973); 13 Cal. L. Revision Comm'n Reports 2139 (1976); 13 Cal. L. Revision Comm'n Reports 1735 (1976)	Enacted. 1977 Cal. Stat. ch. 198 <i>See 12:535; 13:1616; 14:13</i>
88. <i>Payment of Judgments Against Local Public Entities</i> , 12 Cal. L. Revision Comm'n Reports 575 (1974)	Enacted. 1975 Cal. Stat. ch. 285 <i>See 13:2011</i>
89. <i>View by Trier of Fact in a Civil Case</i> , 12 Cal. L. Revision Comm'n Reports 587 (1974)	Enacted. 1975 Cal. Stat. ch. 301 <i>See 13:2011</i>
90. <i>Good Cause Exception to the Physician-Patient Privilege</i> , 12 Cal. L. Revision Comm'n Reports 601 (1974)	Enacted. 1975 Cal. Stat. ch. 318 <i>See 13:2012</i>
91. <i>Improvement Acts</i> , 12 Cal. L. Revision Comm'n Reports 1001 (1974)	Enacted. 1974 Cal. Stat. ch. 426 <i>See 12:534</i>
92. <i>Condemnation Law and Procedure: Conforming Changes in Special District Statutes</i> , 12 Cal. L. Revision Comm'n Reports 1101 (1974); 12 Cal. L. Revision Comm'n Reports 2004 (1974)	Enacted. 1975 Cal. Stat. chs. 581, 582, 584, 585, 586, 587, 1176, 1276
93. <i>The Eminent Domain Law</i> , 12 Cal. L. Revision Comm'n Reports 1601 (1974)	Enacted. 1975 Cal. Stat. chs. 1239, 1240, 1275 — <i>See 13:2010</i>
94. <i>Oral Modification of Written Contracts</i> , 13 Cal. L. Revision Comm'n Reports 301 (1976); 13 Cal. L. Revision Comm'n Reports 2129 (1976)	Enacted. 1975 Cal. Stat. ch. 7; 1976 Cal. Stat. ch. 109 <i>See 13:2011; 13:1616</i>
95. <i>Partition of Real and Personal Property</i> , 13 Cal. L. Revision Comm'n Reports 401 (1976)	Enacted. 1976 Cal. Stat. ch. 73 <i>See 13:2013, 1610</i>
96. <i>Revision of the Attachment Law</i> , 13 Cal. L. Revision Comm'n Reports 801 (1976)	Enacted. 1976 Cal. Stat. ch. 437 <i>See 13:1612</i>

Recommendation	Action by Legislature
97. <i>Undertakings for Costs</i> , 13 Cal. L. Revision Comm'n Reports 901 (1976)	Not enacted 1976. But see recommendation to 1979 session (item 118 <i>infra</i> ) which was enacted – <i>See 13:1614</i>
98. <i>Service of Process on Unincorporated Associations</i> , 13 Cal. L. Revision Comm'n Reports 1657 (1976)	Enacted. 1976 Cal. Stat. ch. 888 <i>See 13:1616</i>
99. <i>Sister State Money Judgments</i> , 13 Cal. L. Revision Comm'n Reports 1669 (1976)	Enacted. 1977 Cal. Stat. ch. 232 <i>See 14:12</i>
100. <i>Damages in Action for Breach of Lease</i> , 13 Cal. L. Revision Comm'n Reports 1679 (1976)	Enacted. 1977 Cal. Stat. ch. 49 <i>See 14:13</i>
101. <i>Admissibility of Copies of Business Records in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2051 (1976)	Not enacted <i>See 13:2012</i>
102. <i>Turnover Orders Under the Claim and Delivery Law</i> , 13 Cal. L. Revision Comm'n Reports 2079 (1976)	Enacted. 1976 Cal. Stat. ch. 145 <i>See 13:1614</i>
103. <i>Relocation Assistance by Private Condemnors</i> , 13 Cal. L. Revision Comm'n Reports 2085 (1976)	Enacted. 1976 Cal. Stat. ch. 143 <i>See 13:1614</i>
104. <i>Condemnation for Byroads and Utility Easements</i> , 13 Cal. L. Revision Comm'n Reports 2091 (1976)	Enacted in part (utility easements). 1976 Cal. Stat. ch. 994 <i>See 13:1615</i>
105. <i>Transfer of Out-of-State Trusts to California</i> , 13 Cal. L. Revision Comm'n Reports 2101 (1976)	Enacted. 1976 Cal. Stat. ch. 144 <i>See 13:1615</i>
106. <i>Admissibility of Duplicates in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2115 (1976)	Enacted. 1985 Cal. Stat. ch. 100 <i>See 13:1615</i>
107. <i>Nonprofit Corporation Law</i> , 13 Cal. L. Revision Comm'n Reports 2201 (1976)	Not enacted. Legislation on this subject, not recommended by the Commission, was enacted in 1978 <i>See 14:11</i>
108. <i>Use of Keepers Pursuant to Writs of Execution</i> , 14 Cal. L. Revision Comm'n Reports 49 (1978)	Enacted. 1977 Cal. Stat. ch. 155 <i>See 14:12</i>
109. <i>Attachment Law: Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors</i> , 14 Cal. L. Revision Comm'n Reports 61 (1978)	Enacted. 1977 Cal. Stat. ch. 499 <i>See 14:12</i>

Recommendation	Action by Legislature
110. <i>Review of Resolution of Necessity by Writ of Mandate</i> , 14 Cal. L. Revision Comm'n Reports 83 (1978)	Enacted. 1978 Cal. Stat. ch. 286 <i>See 14:224</i>
111. <i>Use of Court Commissioners Under the Attachment Law</i> , 14 Cal. L. Revision Comm'n Reports 93 (1978)	Enacted. 1978 Cal. Stat. ch. 151 <i>See 14:224</i>
112. <i>Evidence of Market Value of Property</i> , 14 Cal. L. Revision Comm'n Reports 105 (1978)	Enacted in part. 1978 Cal. Stat. ch. 294. Substance of remainder enacted in 1980. <i>See item 123 infra See 14:225</i>
113. <i>Psychotherapist-Patient Privilege</i> , 14 Cal. L. Revision Comm'n Reports 127 (1978); 15 Cal. L. Revision Comm'n Reports 1307 (1980)	Enacted in part. 1985 Cal. Stat. chs. 545 (licensed educational psychologist), 1077 (repeal of Evid. Code § 1028) – <i>See 14:225</i>
114. <i>Parol Evidence Rule</i> , 14 Cal. L. Revision Comm'n Reports 143 (1978)	Enacted. 1978 Cal. Stat. ch. 150 <i>See 14:224</i>
115. <i>Attachment Law — Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action,"</i> 14 Cal. L. Revision Comm'n Reports 241 (1978)	Enacted. 1978 Cal. Stat. ch. 273 <i>See 14:224</i>
116. <i>Powers of Appointment</i> (technical changes), 14 Cal. L. Revision Comm'n Reports 257 (1978)	Enacted. 1978 Cal. Stat. ch. 266
117. <i>Ad Valorem Property Taxes in Eminent Domain Proceedings</i> , 14 Cal. L. Revision Comm'n Reports 291 (1978)	Enacted. 1979 Cal. Stat. ch. 31 <i>See 15:1025</i>
118. <i>Security for Costs</i> , 14 Cal. L. Revision Comm'n Reports 319 (1978)	Enacted. 1980 Cal. Stat. ch. 114 <i>See 15:1025</i>
119. <i>Guardianship-Conservatorship Law</i> , 14 Cal. L. Revision Comm'n Reports 501 (1978); 15 Cal. L. Revision Comm'n Reports 451 (1980)	Enacted. 1979 Cal. Stat. chs. 165, 726, 730 – <i>See 15:1024, 1427</i>
120. <i>Interest Rate on Judgments</i> , 15 Cal. L. Revision Comm'n Reports 7 (1980)	Enacted. 1982 Cal. Stat. ch. 150 <i>See 15:1427; 16:2025</i>
121. <i>Married Women as Sole Traders</i> , 15 Cal. L. Revision Comm'n Reports 21 (1980)	Enacted. 1980 Cal. Stat. ch. 123 <i>See 15:1426</i>
122. <i>State Tax Liens</i> , 15 Cal. L. Revision Comm'n Reports 29 (1980)	Enacted. 1980 Cal. Stat. ch. 600 <i>See 15:1427</i>

Recommendation	Action by Legislature
123. <i>Application of Evidence Code Property Valuation Rules in Noncondemnation Cases</i> , 15 Cal. L. Revision Comm'n Reports 301 (1980)	Enacted. 1980 Cal. Stat. ch. 381 <i>See 15:1429</i>
124. <i>Uniform Durable Power of Attorney Act</i> , 15 Cal. L. Revision Comm'n Reports 351 (1980)	Enacted. 1981 Cal. Stat. ch. 511 <i>See 16:25</i>
125. <i>Probate Homestead</i> , 15 Cal. L. Revision Comm'n Reports 401 (1980)	Enacted. 1980 Cal. Stat. ch. 119 <i>See 15:1428</i>
126. <i>Effect of New Bankruptcy Law on the Attachment Law</i> , 15 Cal. L. Revision Comm'n Reports 1043 (1980)	Enacted. 1979 Cal. Stat. ch. 177 <i>See 15:1024</i>
127. <i>Confessions of Judgment</i> , 15 Cal. L. Revision Comm'n Reports 1053 (1980)	Enacted. 1979 Cal. Stat. ch. 568 <i>See 15:1024</i>
128. <i>Special Assessment Liens on Property Taken for Public Use</i> , 15 Cal. L. Revision Comm'n Reports 1101 (1980)	Enacted. 1980 Cal. Stat. ch. 122 <i>See 15:1428</i>
129. <i>Assignments for the Benefit of Creditors</i> , 15 Cal. L. Revision Comm'n Reports 1117 (1980)	Enacted. 1980 Cal. Stat. ch. 135 <i>See 15:1427</i>
130. <i>Vacation of Public Streets, Highways, and Service Easements</i> , 15 Cal. L. Revision Comm'n Reports 1137 (1980)	Enacted. 1980 Cal. Stat. ch. 1050 <i>See 15:1429</i>
131. <i>Quiet Title Actions</i> , 15 Cal. L. Revision Comm'n Reports 1187 (1980)	Enacted. 1980 Cal. Stat. ch. 44 <i>See 15:1428</i>
132. <i>Agreements for Entry of Paternity and Support Judgments</i> , 15 Cal. L. Revision Comm'n Reports 1237 (1980)	Enacted. 1980 Cal. Stat. ch. 682 <i>See 15:1426</i>
133. <i>Enforcement of Claims and Judgments Against Public Entities</i> , 15 Cal. L. Revision Comm'n Reports 1257 (1980)	Enacted. 1980 Cal. Stat. ch. 215 <i>See 15:1426</i>
134. <i>Uniform Veterans Guardianship Act</i> , 15 Cal. L. Revision Comm'n Reports 1289 (1980)	Enacted. 1980 Cal. Stat. ch. 89 <i>See 15:1428</i>
135. <i>Enforcement of Obligations After Death</i> , 15 Cal. L. Revision Comm'n Reports 1327 (1980)	Enacted. 1980 Cal. Stat. ch. 124 <i>See 15:1426</i>
136. <i>Guardianship-Conservatorship</i> (technical change), 15 Cal. L. Revision Comm'n Reports 1427 (1980)	Enacted. 1980 Cal. Stat. ch. 246

Recommendation	Action by Legislature
137. <i>Revision of Guardianship-Conservatorship Law</i> , 15 Cal. L. Revision Comm'n Reports 1463 (1980)	Enacted. 1981 Cal. Stat. ch. 9 <i>See 16:24</i>
138. <i>Non-Probate Transfers</i> , 15 Cal. L. Revision Comm'n Reports 1605 (1980); 16 Cal. L. Revision Comm'n Reports 129 (1982)	Enacted in part (pay-on-death accounts) 1982 Cal. Stat. ch. 269; (credit unions and industrial loan companies) 1983 Cal. Stat. ch. 92. Substance of balance enacted. 1989 Cal. Stat. ch. 397 (banks and savings and loan associations) (item 229 <i>infra</i> ) – <i>See 16:2026; 17:823</i>
139. <i>Revision of the Powers of Appointment Statute</i> , 15 Cal. L. Revision Comm'n Reports 1667 (1980)	Enacted. 1981 Cal. Stat. ch. 63 <i>See 16:25</i>
140. <i>The Enforcement of Judgments Law</i> , 15 Cal. L. Revision Comm'n Reports 2001 (1980)	Enacted. 1982 Cal. Stat. chs. 497, 1364 <i>See 16:2024</i>
141. <i>State Tax Liens</i> (technical change), 16 Cal. L. Revision Comm'n Reports 24 (1982)	Enacted. 1981 Cal. Stat. ch. 217
142. <i>Assessment Liens on Property Taken for Public Use</i> (technical change), 16 Cal. L. Revision Comm'n Reports 25 (1982)	Enacted. 1981 Cal. Stat. ch. 139
143. <i>Federal Pensions as Community Property</i> , 16 Cal. L. Revision Comm'n Reports 47 (1982)	Proposed resolution adopted. 1982 Cal. Stat. res. ch. 44 <i>See 16:2027</i>
144. <i>Missing Persons</i> , 16 Cal. L. Revision Comm'n Reports 105 (1982)	Enacted. 1983 Cal. Stat. ch. 201 <i>See 17:822</i>
145. <i>Escheat</i> (technical change), 16 Cal. L. Revision Comm'n Reports 124 (1982)	Enacted. 1982 Cal. Stat. ch. 182
146. <i>Emancipated Minors</i> , 16 Cal. L. Revision Comm'n Reports 183 (1982)	Enacted. 1983 Cal. Stat. ch. 6 <i>See 17:823</i>
147. <i>Notice in Limited Conservatorship Proceedings</i> , 16 Cal. L. Revision Comm'n Reports 199 (1982)	Enacted. 1983 Cal. Stat. ch. 72 <i>See 17:823</i>
148. <i>Disclaimer of Testamentary and Other Interests</i> , 16 Cal. L. Revision Comm'n Reports 207 (1982)	Enacted. 1983 Cal. Stat. ch. 17 <i>See 17:823</i>
149. <i>Holographic and Nuncupative Wills</i> , 16 Cal. L. Revision Comm'n Reports 301 (1982)	Enacted. 1982 Cal. Stat. ch. 187 <i>See 16:2026</i>



Recommendation	Action by Legislature
150. <i>Marketable Title of Real Property</i> , 16 Cal. L. Revision Comm'n Reports 401 (1982)	Enacted. 1982 Cal. Stat. ch. 1268 <i>See 16:2026</i>
151. <i>Statutory Bonds and Undertakings</i> , 16 Cal. L. Revision Comm'n Reports 501 (1982)	Enacted. 1982 Cal. Stat. chs. 517, 998 <i>See 16:2025</i>
152. <i>Attachment</i> , 16 Cal. L. Revision Comm'n Reports 701 (1982)	Enacted. 1982 Cal. Stat. ch. 1198 <i>See 16:2025</i>
153. <i>Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage</i> , 16 Cal. L. Revision Comm'n Reports 2165 (1982), 17 Cal. L. Revision Comm'n Reports 863 (1984)	Enacted. 1983 Cal. Stat. ch. 342 <i>See 17:823</i>
154. <i>Creditors' Remedies</i> , 16 Cal. L. Revision Comm'n Reports 2175 (1982)	Enacted. 1983 Cal. Stat. ch. 155 <i>See 17:824</i>
155. <i>Conforming Changes to the Bond and Undertaking Law</i> , 16 Cal. L. Revision Comm'n Reports 2239 (1982)	Enacted. 1983 Cal. Stat. ch. 18 <i>See 17:825</i>
156. <i>Notice of Rejection of Late Claim Against Public Entity</i> , 16 Cal. L. Revision Comm'n Reports 2251 (1982)	Enacted. 1983 Cal. Stat. ch. 107 <i>See 17:824</i>
157. <i>Wills and Intestate Succession</i> , 16 Cal. L. Revision Comm'n Reports 2301 (1982)	Enacted. 1983 Cal. Stat. ch. 842 <i>See 17:822</i>
158. <i>Liability of Marital Property for Debts</i> , 17 Cal. L. Revision Comm'n Reports 1 (1984)	Enacted. 1984 Cal. Stat. ch. 1671 <i>See 18:20</i>
159. <i>Durable Power of Attorney for Health Care Decisions</i> , 17 Cal. L. Revision Comm'n Reports 101 (1984)	Enacted. 1983 Cal. Stat. ch. 1204 <i>See 17:822</i>
160. <i>Marital Property Presumptions and Transmutations</i> , 17 Cal. L. Revision Comm'n Reports 205 (1984)	Enacted in part (transmutations). 1984 Cal. Stat. ch. 1733 <i>See 18:21</i>
161. <i>Reimbursement of Educational Expenses</i> , 17 Cal. L. Revision Comm'n Reports 229 (1984)	Enacted. 1984 Cal. Stat. ch. 1661 <i>See 18:22</i>
162. <i>Special Appearance in Family Law Proceedings</i> , 17 Cal. L. Revision Comm'n Reports 243 (1984)	Enacted. 1984 Cal. Stat. ch. 156 <i>See 18:21</i>
163. <i>Liability of Stepparent for Child Support</i> , 17 Cal. L. Revision Comm'n Reports 251 (1984)	Enacted. 1984 Cal. Stat. ch. 249 <i>See 18:21</i>

Recommendation	Action by Legislature
164. <i>Awarding Temporary Use of Family Home</i> , 17 Cal. L. Revision Comm'n Reports 261 (1984)	Enacted. 1984 Cal. Stat. ch. 463 <i>See 18:21</i>
165. <i>Disposition of Community Property</i> , 17 Cal. L. Revision Comm'n Reports 269 (1984)	Not enacted <i>See 18:22</i>
166. <i>Statutes of Limitation for Felonies</i> , 17 Cal. L. Revision Comm'n Reports 301 (1984)	Enacted. 1984 Cal. Stat. ch. 1270 <i>See 18:23; 20:2305</i>
167. <i>Independent Administration of Decedent's Estate</i> , 17 Cal. L. Revision Comm'n Reports 405 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
168. <i>Distribution of Estates Without Administration</i> , 17 Cal. L. Revision Comm'n Reports 421 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
169. <i>Simultaneous Deaths</i> , 17 Cal. L. Revision Comm'n Reports 443 (1984)	Enacted in part. <i>See</i> 1989 Cal. Stat. ch. 544 (intestate succession) (item 227 <i>infra</i> ); 1990 Cal. Stat. ch. 710 (statutory will) (item 240 <i>infra</i> ) <i>See 18:20</i>
170. <i>Notice of Will</i> , 17 Cal. L. Revision Comm'n Reports 461 (1984)	Not enacted <i>See 18:20</i>
171. <i>Garnishment of Amounts Payable to Trust Beneficiary</i> , 17 Cal. L. Revision Comm'n Reports 471 (1984)	Enacted. 1984 Cal. Stat. ch. 493 <i>See 18:19</i>
172. <i>Bonds for Personal Representatives</i> , 17 Cal. L. Revision Comm'n Reports 483 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
173. <i>Recording Affidavits of Death</i> , 17 Cal. L. Revision Comm'n Reports 493 (1984)	Enacted. 1984 Cal. Stat. ch. 527 <i>See 18:20</i>
174. <i>Execution of Witnessed Will</i> , 17 Cal. L. Revision Comm'n Reports 509 (1984)	Not enacted <i>See 18:20</i>
175. <i>Revision of Wills and Intestate Succession Law</i> , 17 Cal. L. Revision Comm'n Reports 537 (1984)	Enacted. 1984 Cal. Stat. ch. 892 <i>See 18:19</i>
176. <i>Uniform Transfers to Minors Act</i> , 17 Cal. L. Revision Comm'n Reports 601 (1984)	Enacted. 1984 Cal. Stat. ch. 243 <i>See 18:19</i>
177. <i>Statutory Forms for Durable Powers of Attorney</i> , 17 Cal. L. Revision Comm'n Reports 701 (1984)	Enacted. 1984 Cal. Stat. chs. 312 (health care), 602 (general power of attorney) – <i>See 18:18</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
178. <i>Vacation of Streets</i> (technical change), 17 Cal. L. Revision Comm'n Reports 825 (1984)	Enacted. 1983 Cal. Stat. ch. 52
179. <i>Effect of Death of Support Obligor</i> , 17 Cal. L. Revision Comm'n Reports 897 (1984)	Enacted in part. 1984 Cal. Stat. ch. 19. Balance enacted. 1985 Cal. Stat. ch. 362 (item 186 <i>infra</i> ) – See 18:21
180. <i>Dismissal for Lack of Prosecution</i> , 17 Cal. L. Revision Comm'n Reports 905 (1984)	Enacted. 1984 Cal. Stat. ch. 1705 See 18:23
181. <i>Severance of Joint Tenancy</i> , 17 Cal. L. Revision Comm'n Reports 941 (1984)	Enacted. 1984 Cal. Stat. ch. 519 See 18:23
182. <i>Quiet Title and Partition Judgments</i> , 17 Cal. L. Revision Comm'n Reports 947 (1984)	Enacted. 1984 Cal. Stat. ch. 20 See 18:22
183. <i>Dormant Mineral Rights</i> , 17 Cal. L. Revision Comm'n Reports 957 (1984)	Enacted. 1984 Cal. Stat. ch. 240 See 18:22
184. <i>Creditors' Remedies</i> , 17 Cal. L. Revision Comm'n Reports 975 (1984)	Enacted. 1984 Cal. Stat. ch. 538 See 18:23
185. <i>Rights Among Cotenants</i> , 17 Cal. L. Revision Comm'n Reports 1023 (1984)	Enacted. 1984 Cal. Stat. ch. 241 See 18:23
186. <i>Provision for Support if Support Obligor Dies</i> , 18 Cal. L. Revision Comm'n Reports 119 (1986)	Enacted. 1985 Cal. Stat. ch. 362 See 18:217
187. <i>Transfer of State Registered Property Without Probate</i> , 18 Cal. L. Revision Comm'n Reports 129 (1986)	Enacted. 1985 Cal. Stat. ch. 982 See 18:216
188. <i>Dividing Jointly Owned Property Upon Marriage Dissolution</i> , 18 Cal. L. Revision Comm'n Reports 147 (1986)	Enacted. 1985 Cal. Stat. ch. 362 See 18:217
189. <i>Probate Law</i> (clarifying revisions), 18 Cal. L. Revision Comm'n Reports 216 (1986)	Enacted. 1985 Cal. Stat. ch. 359
190. <i>Creditors' Remedies</i> (technical change), 18 Cal. L. Revision Comm'n Reports 217 (1986)	Enacted. 1985 Cal. Stat. ch. 41
191. <i>Uniform Transfers to Minors Act</i> (technical change), 18 Cal. L. Revision Comm'n Reports 218 (1986)	Enacted. 1985 Cal. Stat. ch. 90
192. <i>Protection of Mediation Communications</i> , 18 Cal. L. Revision Comm'n Reports 241 (1986)	Enacted. 1985 Cal. Stat. ch. 731 See 18:218

Recommendation	Action by Legislature
193. <i>Recording Severance of Joint Tenancy</i> , 18 Cal. L. Revision Comm'n Reports 249 (1986)	Enacted. 1985 Cal. Stat. ch. 157 <i>See 18:217</i>
194. <i>Abandoned Easements</i> , 18 Cal. L. Revision Comm'n Reports 257 (1986)	Enacted. 1985 Cal. Stat. ch. 157 <i>See 18:217</i>
195. <i>Distribution Under a Will or Trust</i> , 18 Cal. L. Revision Comm'n Reports 269 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
196. <i>Effect of Adoption or Out of Wedlock Birth on Rights at Death</i> , 18 Cal. L. Revision Comm'n Reports 289 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
197. <i>Durable Powers of Attorney</i> , 18 Cal. L. Revision Comm'n Reports 305 (1986)	Enacted. 1985 Cal. Stat. ch. 403 <i>See 18:216</i>
198. <i>Litigation Expenses in Family Law Proceedings</i> , 18 Cal. L. Revision Comm'n Reports 351 (1986)	Enacted. 1985 Cal. Stat. ch. 362 <i>See 18:217</i>
199. <i>Civil Code Sections 4800.1 and 4800.2</i> , 18 Cal. L. Revision Comm'n Reports 383 (1986)	One of two recommended measures enacted ( <i>Application of Civil Code §§ 4800.1 and 4800.2</i> ). 1986 Cal. Stat. ch. 49 – <i>See 18:1717</i>
200. <i>The Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 501 (1986)	Enacted. 1986 Cal. Stat. ch. 820 <i>See 18:1718</i>
201. <i>Disposition of Estate Without Administration</i> , 18 Cal. L. Revision Comm'n Reports 1005 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
202. <i>Small Estate Set-Aside</i> , 18 Cal. L. Revision Comm'n Reports 1101 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
203. <i>Proration of Estate Taxes</i> , 18 Cal. L. Revision Comm'n Reports 1127 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
204. <i>Notice in Guardianship and Conservatorship</i> , 18 Cal. L. Revision Comm'n Reports 1793 (1986)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
205. <i>Preliminary Provisions and Definitions</i> , 18 Cal. L. Revision Comm'n Reports 1807 (1986)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
206. <i>Technical Revisions in the Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 1823 (1986)	Enacted. 1987 Cal. Stat. ch. 128 <i>See 19:517</i>
207. <i>Supervised Administration</i> , 19 Cal. L. Revision Comm'n Reports 5 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
208. <i>Independent Administration</i> , 19 Cal. L. Revision Comm'n Reports 205 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
209. <i>Creditor Claims Against Decedent's Estate</i> , 19 Cal. L. Revision Comm'n Reports 299 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
210. <i>Notice in Probate Proceedings</i> , 19 Cal. L. Revision Comm'n Reports 357 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
211. <i>Marital Deduction Gifts</i> , 19 Cal. L. Revision Comm'n Reports 615 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
212. <i>Estates of Missing Persons</i> , 19 Cal. L. Revision Comm'n Reports 637 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
213. <i>Public Guardians and Administrators</i> , 19 Cal. L. Revision Comm'n Reports 707 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
214. <i>Inventory and Appraisal</i> , 19 Cal. L. Revision Comm'n Reports 741 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
215. <i>Opening Estate Administration</i> , 19 Cal. L. Revision Comm'n Reports 787 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
216. <i>Abatement</i> , 19 Cal. L. Revision Comm'n Reports 865 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
217. <i>Accounts</i> , 19 Cal. L. Revision Comm'n Reports 877 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
218. <i>Litigation Involving Decedents</i> , 19 Cal. L. Revision Comm'n Reports 899 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
219. <i>Rules of Procedure in Probate</i> , 19 Cal. L. Revision Comm'n Reports 917 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
220. <i>Distribution and Discharge</i> , 19 Cal. L. Revision Comm'n Reports 953 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
221. <i>Nondomiciliary Decedents</i> , 19 Cal. L. Revision Comm'n Reports 993 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
222. <i>Interest and Income During Administration</i> , 19 Cal. L. Revision Comm'n Reports 1019 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
223. <i>1988 Probate Cleanup Bill</i> , see 19 Cal. L. Revision Comm'n Reports 1167, 1191-1200 (1988)	Enacted. 1988 Cal. Stat. ch. 113
224. <i>Authority of the Law Revision Commission</i> , 19 Cal. L. Revision Comm'n Reports 1162 (1988)	Enacted. 1989 Cal. Stat. ch. 152

Recommendation	Action by Legislature
225. <i>Creditors' Remedies</i> , 19 Cal. L. Revision Comm'n Reports 1251 (1988)	Enacted. 1989 Cal. Stat. ch. 1416 <i>See 20:201</i>
226. <i>No Contest Clauses</i> , 20 Cal. L. Revision Comm'n Reports 7 (1990)	Enacted. 1989 Cal. Stat. ch. 544 <i>See 20:201</i>
227. <i>120-Hour Survival Requirement</i> , 20 Cal. L. Revision Comm'n Reports 21 (1990)	Enacted. 1989 Cal. Stat. ch. 544 <i>See 20:201</i>
228. <i>Compensation of Attorneys and Personal Representatives</i> , 20 Cal. L. Revision Comm'n Reports 31 (1990)	Enacted except for portion relating to compensation of attorneys. 1990 Cal. Stat. ch. 79 – <i>See 20:2218</i>
229. <i>Multiple-Party Accounts</i> , 20 Cal. L. Revision Comm'n Reports 95 (1990)	Enacted. 1989 Cal. Stat. ch. 397 <i>See 20:202</i>
230. <i>Notice to Creditors</i> , 20 Cal. L. Revision Comm'n Reports 165 (1990); 20 Cal. L. Revision Comm'n Reports 507 (1990)	Enacted in part. 1989 Cal. Stat. ch. 544. Balance enacted. 1990 Cal. Stat. ch. 140 – <i>See 20:201</i>
231. <i>1989 Probate Cleanup Bill</i> , see 20 Cal. L. Revision Comm'n Reports 201, 227 (1990)	Enacted. 1989 Cal. Stat. ch. 21
233. <i>Brokers' Commissions on Probate Sales</i> , 20 Cal. L. Revision Comm'n Reports 237-42 (1990)	Enacted. 1989 Cal. Stat. ch. 544
232. <i>Bonds of Guardians and Conservators</i> , 20 Cal. L. Revision Comm'n Reports 235 (1990)	Enacted. 1989 Cal. Stat. ch. 544
234. <i>Commercial Real Property Leases</i> , 20 Cal. L. Revision Comm'n Reports 251 (1990)	Enacted. 1989 Cal. Stat. ch. 982 <i>See 20:202</i>
235. <i>Trustees' Fees</i> , 20 Cal. L. Revision Comm'n Reports 279 (1990)	Enacted. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
236. <i>Springing Powers of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 405 (1990)	Enacted. 1990 Cal. Stat. ch. 986 <i>See 20:2220</i>
237. <i>Uniform Statutory Form Powers of Attorney Act</i> , 20 Cal. L. Revision Comm'n Reports 415 (1990)	Enacted. 1990 Cal. Stat. ch. 986 <i>See 20:2220</i>
238. <i>Disposition of Small Estate by Public Administrator</i> , 20 Cal. L. Revision Comm'n Reports 529 (1990)	Enacted. 1990 Cal. Stat. ch. 324 <i>See 20:2220</i>
239. <i>Court-Authorized Medical Treatment</i> , 20 Cal. L. Revision Comm'n Reports 537 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
240. <i>Survival Requirement for Beneficiary of Statutory Will</i> , 20 Cal. L. Revision Comm'n Reports 549 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
241. <i>Execution or Modification of Lease Without Court Order</i> , 20 Cal. L. Revision Comm'n Reports 557 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
242. <i>Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding</i> , 20 Cal. L. Revision Comm'n Reports 565 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
243. <i>Repeal of Probate Code Section 6402.5 (In-Law Inheritance)</i> , 20 Cal. L. Revision Comm'n Reports 571 (1990)	Not enacted <i>See 20:2220</i>
244. <i>Access to Decedent's Safe Deposit Box</i> , 20 Cal. L. Revision Comm'n Reports 597 (1990); 20 Cal. L. Revision Comm'n Reports 2859 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 20:2219; 21:20</i>
245. <i>Priority of Conservator or Guardian for Appointment as Administrator</i> , 20 Cal. L. Revision Comm'n Reports 607 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
246. <i>New Probate Code</i> , 20 Cal. L. Revision Comm'n Reports 1001 (1990)	Enacted. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
247. <i>Notice in Probate Where Address Unknown</i> , 20 Cal. L. Revision Comm'n Reports 2245 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
248. <i>Jurisdiction of Superior Court in Trust Matters</i> , 20 Cal. L. Revision Comm'n Reports 2253 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
249. <i>Uniform Management of Institutional Funds Act</i> , 20 Cal. L. Revision Comm'n Reports 2265 (1990)	Enacted. 1990 Cal. Stat. ch. 1307 <i>See 20:2220</i>
250. <i>Remedies for Breach of Assignment or Sublease Covenant</i> , 20 Cal. L. Revision Comm'n Reports 2405 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
251. <i>Use Restrictions</i> , 20 Cal. L. Revision Comm'n Reports 2421 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
252. <i>Uniform Statutory Rule Against Perpetuities</i> , 20 Cal. L. Revision Comm'n Reports 2501 (1990)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>

<b>Recommendation</b>	<b>Action by Legislature</b>
253. <i>Elimination of Seven-Year Limit for Durable Power of Attorney for Health Care</i> , 20 Cal. L. Revision Comm'n Reports 2605 (1990)	Enacted. 1991 Cal. Stat. ch. 896 <i>See 21:22</i>
254. <i>Recognition of Agent's Authority Under Statutory Form Power of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 2629 (1990); 22 Cal. L. Revision Comm'n Reports 965 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
255. <i>Debts That Are Contingent, Disputed, or Not Due</i> , 20 Cal. L. Revision Comm'n Reports 2707 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
256. <i>Remedies of Creditor Where Personal Representative Fails to Give Notice</i> , 20 Cal. L. Revision Comm'n Reports 2719 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
257. <i>Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)</i> , 20 Cal. L. Revision Comm'n Reports 2729 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
258. <i>Disposition of Small Estate Without Probate</i> , 20 Cal. L. Revision Comm'n Reports 2737 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
259. <i>Right of Surviving Spouse to Dispose of Community Property</i> , 20 Cal. L. Revision Comm'n Reports 2769 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
260. <i>Litigation Involving Decedents</i> , 20 Cal. L. Revision Comm'n Reports 2785 (1990); 22 Cal. L. Revision Comm'n Reports 895 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
261. <i>Compensation in Guardianship and Conservatorship Proceedings</i> , 20 Cal. L. Revision Comm'n Reports 2837 (1990); 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 <i>See 22:853</i>
262. <i>Recognition of Trustees' Powers</i> , 20 Cal. L. Revision Comm'n Reports 2849 (1990)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
263. <i>Gifts in View of Impending Death</i> , 20 Cal. L. Revision Comm'n Reports 2869 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>



<b>Recommendation</b>	<b>Action by Legislature</b>
264. <i>TOD Beneficiary Designation for Vehicles and Certain Other State-Registered Property</i> , 20 Cal. L. Revision Comm'n Reports 2883 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
265. <i>1991 General Probate Bill</i> (miscellaneous provisions), see 20 Cal. L. Revision Comm'n Reports 2907 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
266. <i>1991 Probate Urgency Clean-up Bill</i> , see 20 Cal. L. Revision Comm'n Reports 2909 (1990)	Enacted. 1991 Cal. Stat. ch. 82 <i>See 21:21</i>
267. <i>Application of Marketable Title Statute to Executory Interests</i> , 21 Cal. L. Revision Comm'n Reports 53 (1991)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>
268. <i>Relocation of Powers of Appointment Statute</i> , 21 Cal. L. Revision Comm'n Reports 91 (1991)	Enacted. 1992 Cal. Stat. ch. 30 <i>See 22:853</i>
269. <i>Miscellaneous Creditors' Remedies</i> , 21 Cal. L. Revision Comm'n Reports 135 (1991)	Enacted. 1992 Cal. Stat. ch. 283 <i>See 22:853</i>
270. <i>Nonprobate Transfers of Community Property</i> , 21 Cal. L. Revision Comm'n Reports 163 (1991)	Enacted. 1992 Cal. Stat. ch. 51 <i>See 22:852</i>
271. <i>Notice of Trustees' Fees</i> , 21 Cal. L. Revision Comm'n Reports 191 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
272. <i>Nonprobate Transfer to Trustee Named in Will</i> , 21 Cal. L. Revision Comm'n Reports 201 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
273. <i>Preliminary Distribution Without Court Supervision</i> , 21 Cal. L. Revision Comm'n Reports 209 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
274. <i>Transfer of Conservatorship Property to Trust</i> , 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 <i>See 22:853</i>
275. <i>Standing To Sue for Wrongful Death</i> , 22 Cal. L. Revision Comm'n Reports 955 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
276. <i>Family Code</i> , 22 Cal. L. Revision Comm'n Reports 1 (1992)	Enacted. 1992 Cal. Stat. chs. 162, 163 <i>See 22:851</i>
277. <i>Special Needs Trust for Disabled Minor or Incompetent Person</i> , 22 Cal. L. Revision Comm'n Reports 989 (1992)	Enacted. 1992 Cal. Stat. ch. 355 <i>See 22:853</i>

Recommendation	Action by Legislature
278. <i>1992 General Probate Bill</i> (miscellaneous provisions), see 22 Cal. L. Revision Comm'n Reports 977 (1990)	Enacted. 1992 Cal. Stat. ch. 178 <i>See</i> 22:852
279. <i>1994 Family Code</i> , 23 Cal. L. Revision Comm'n Reports 1, 5 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See</i> 23:922
280. <i>Family Code: Child Custody</i> , 23 Cal. L. Revision Comm'n Reports 1, 15 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See</i> 23:922
281. <i>Family Code: Reorganization of Domestic Violence Provisions</i> , 23 Cal. L. Revision Comm'n Reports 1, 23 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See</i> 23:922
282. <i>Deposit of Estate Planning Documents with Attorney</i> , 23 Cal. L. Revision Comm'n Reports 965 (1993)	Enacted. 1993 Cal. Stat. ch. 519 <i>See</i> 23:923
283. <i>Parent and Child Relationship for Intestate Succession</i> , 23 Cal. L. Revision Comm'n Reports 991 (1993)	Enacted. 1993 Cal. Stat. ch. 529 <i>See</i> 23:923
284. <i>Effect of Joint Tenancy Title on Marital Property</i> , 23 Cal. L. Revision Comm'n Reports 1013 (1993)	Not enacted <i>See</i> 24:568
285. <i>Orders To Show Cause and Temporary Restraining Orders</i> , 24 Cal. L. Revision Comm'n Reports 603 (1994)	Enacted. 1994 Cal. Stat. ch. 587 <i>See</i> 24:567
286. <i>Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 111 (1994); <i>1995 Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 323 (1994)	Enacted. 1994 Cal. Stat. ch. 307 <i>See</i> 24:567
287. <i>Trial Court Unification: Constitutional Revision (SCA 3)</i> , 24 Cal. L. Revision Comm'n Reports 1 (1994); <i>Trial Court Unification: Transitional Provisions for SCA 3</i> , 24 Cal. L. Revision Comm'n Reports 627 (1994)	Not enacted. Commission recommendations adopted in SCA 3 (1993-94), but SCA 3 not approved by Assembly. Commission recommendations largely enacted in SCA 4 (1996 Cal. Stat. res. ch. 36) – <i>See</i> 24:568; 28:707
288. <i>Family Code Technical Amendments</i> . See 24 Cal. L. Revision Comm'n Reports 621 (1994); 26 Cal. L. Revision Comm'n Reports 175 (1996)	Enacted. 1994 Cal. Stat. ch. 1269; 1996 Cal. Stat. ch. 1061 <i>See</i> 24:567; 26:132
289. <i>Uniform Prudent Investor Act</i> , 25 Cal. L. Revision Comm'n Reports 543 (1995). See also 25 Cal. L. Revision Comm'n Reports 673 (1995)	Enacted. 1995 Cal. Stat. ch. 63 <i>See</i> 25:636, 673

<b>Recommendation</b>	<b>Action by Legislature</b>
290. <i>Debtor-Creditor Relations</i> , 25 Cal. L. Revision Comm'n Reports 1 (1995)	Enacted in part. 1995 Cal. Stat. ch. 196 <i>See</i> 25:636, 707
291. <i>Power of Attorney Law Technical Amendments</i> . See 25 Cal. L. Revision Comm'n Reports 709 (1995)	Enacted. 1995 Cal. Stat. ch. 300 <i>See</i> 25:637
292. <i>Administrative Adjudication by State Agencies</i> , 25 Cal. L. Revision Comm'n Reports 55 (1995)	Enacted. 1995 Cal. Stat. ch. 938 <i>See</i> 25:636, 711
293. <i>Statute of Limitations in Trust Matters: Probate Code Section 16460</i> , 26 Cal. L. Revision Comm'n Reports 1 (1996)	Enacted. 1996 Cal. Stat. ch. 862 <i>See</i> 26:132
294. <i>Inheritance From or Through Child Born Out of Wedlock</i> , 26 Cal. L. Revision Comm'n Reports 13 (1996)	Enacted. 1996 Cal. Stat. ch. 862 <i>See</i> 26:132
295. <i>Collecting Small Estate Without Administration</i> , 26 Cal. L. Revision Comm'n Reports 21 (1996)	Enacted. 1996 Cal. Stat. ch. 563 <i>See</i> 26:132
296. <i>Repeal of Civil Code Section 1464: The First Rule in Spencer's Case</i> , 26 Cal. L. Revision Comm'n Reports 29 (1996)	Enacted. 1998 Cal. Stat. ch. 14 <i>See</i> 28:706
297. <i>Homestead Exemption</i> , 26 Cal. L. Revision Comm'n Reports 37 (1996)	Not enacted <i>See</i> 26:133
298. <i>Tolling Statute of Limitations When Defendant Is Out of State</i> , 26 Cal. L. Revision Comm'n Reports 83 (1996)	Enacted in part (technical amendments). 1997 Cal. Stat. ch. 1012, §§ 13, 14 – <i>See</i> 27:555, 623
299. <i>Administrative Adjudication Technical Amendments</i> , 26 Cal. L. Revision Comm'n Reports 171 (1996)	Enacted. 1996 Cal. Stat. ch. 390 <i>See</i> 26:132
300. <i>Unfair Competition Litigation</i> , 26 Cal. L. Revision Comm'n Reports 191 (1996)	Not enacted <i>See</i> 27:555
301. <i>Administrative Adjudication by Quasi-Public Entities</i> , 26 Cal. L. Revision Comm'n Reports 277 (1996)	Enacted. 1997 Cal. Stat. ch. 220 <i>See</i> 27:554, 593
302. <i>Marketable Title: Enforceability of Land Use Restrictions</i> , 26 Cal. L. Revision Comm'n Reports 289 (1996)	Enacted in part. 1998 Cal. Stat. ch. 14 <i>See</i> 28:706
303. <i>Attachment by Undersecured Creditors</i> , 26 Cal. L. Revision Comm'n Reports 307 (1996)	Enacted. 1997 Cal. Stat. ch. 222 <i>See</i> 27:554

Recommendation	Action by Legislature
304. <i>Ethical Standards for Administrative Law Judges</i> , 26 Cal. L. Revision Comm'n Reports 335 (1996)	Enacted. 1998 Cal. Stat. ch. 95 <i>See</i> 28:706
305. <i>Best Evidence Rule</i> , 26 Cal. L. Revision Comm'n Reports 369 (1996)	Enacted. 1998 Cal. Stat. ch. 100 <i>See</i> 28:706
306. <i>Mediation Confidentiality</i> , 26 Cal. L. Revision Comm'n Reports 407 (1996)	Enacted. 1997 Cal. Stat. ch. 772 <i>See</i> 27:554, 595
307. <i>Judicial Review of Agency Action</i> , 27 Cal. L. Revision Comm'n Reports 1 (1997)	Not enacted <i>See</i> 28:708
308. <i>Inheritance by Foster Child or Stepchild</i> , 27 Cal. L. Revision Comm'n Reports 625 (1997)	Removed from committee bill
309. <i>Business Judgment Rule</i> , 28 Cal. L. Revision Comm'n Reports 1 (1998)	Not enacted <i>See</i> 28:708
310. <i>Trial Court Unification: Revision of Codes</i> , 28 Cal. L. Revision Comm'n Reports 51 (1998)	Enacted. 1998 Cal. Stat. ch. 931 <i>See</i> 28:707
311. <i>Response to Demand for Production of Documents in Discovery</i> , 28 Cal. L. Revision Comm'n Reports 561 (1998)	Enacted. 1998 Cal. Stat. ch. 932 <i>See</i> 28:708
312. <i>Uniform TOD Security Registration Act</i> , 28 Cal. L. Revision Comm'n Reports 577 (1998)	Enacted. 1998 Cal. Stat. ch. 242 <i>See</i> 28:707

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## APPENDIX 4

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 14 OF THE STATUTES OF 1998 (ASSEMBLY BILL 707)

#### Real Property Covenants

Chapter 14 of the Statutes of 1998 was introduced as Assembly Bill 707 by Assembly Member Dick Ackerman. It implements the California Law Revision Commission recommendation on *Repeal of Civil Code Section 1464: The First Rule in Spencer's Case*, 26 Cal. L. Revision Comm'n Reports 29 (1996), and one aspect of the recommendation on *Marketable Title: Enforceability of Land Use Restrictions*, 26 Cal. L. Revision Comm'n Reports 289 (1996). The Comments set out below supersede the comparable Comments in the recommendations and reflect amendments to the bill made during the legislative process.

#### **Civ. Code § 784 (added). "Restriction"**

**Comment.** Section 784 provides a definition of "restriction" for application in Code of Civil Procedure Section 336 (statute of limitations). The reference to "declaration" includes a declaration of restrictions in a common interest development intended to be enforceable as equitable servitudes. See Section 1353(a).

#### **Code Civ. Proc. § 336 (amended). Five-year statute of limitations**

**Comment.** Subdivision (b) is added to Section 336 to make clear that the statutory limitation period applicable to enforcement of a restriction is five years, consistent with the general statutes governing recovery of real property. *Cf.* Section 319 (five years). This ensures a uniform limitation period regardless of whether the restriction is in the form of a covenant, condition, negative easement, or equitable servitude. See Civ. Code § 784 ("restriction" defined); *cf.* 2 A. Bowman, *Ogden's Revised California Real Property Law* § 23.25, at 1155, § 23.32, at 1159 (1975) (five years).

For purposes of subdivision (b), the time when a homeowners' association is deemed to have knowledge of a violation of a restriction would be determined under general principles of imputed knowledge. See, e.g., Civ. Code § 2332. Thus an incorporated or unincorporated homeowner's association is deemed to have knowledge of a violation of a restriction when an appropriate officer or agent of the association has knowledge of the violation.

Under subdivision (b), a failure to enforce a violation within the limitation period should not alone be grounds to imply a waiver or abandonment of the restriction. However, such a failure may, combined with other circumstances, be grounds for waiver or estoppel or evidence of abandonment or obsolescence. See, e.g., *Bryant v. Whitney*, 178 Cal. 640, 174 P. 32 (1918) (waiver).

Subdivision (b) provides a two-year grace period to enable action on a violation that would become unenforceable upon enactment of this chapter and a shorter grace period for action on a violation that would become unenforceable within two years after enactment of this chapter. The two-year grace period does not operate to extend the time to act on a violation that would become unenforceable by operation of law apart from this chapter, either pursuant to case law limitations or applicable statutes of limitation.

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## APPENDIX 5

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 95 OF THE STATUTES OF 1998 (ASSEMBLY BILL 2164)

#### Ethical Standards for Administrative Law Judges

Chapter 95 of the Statutes of 1998 was introduced as Assembly Bill 2164 by Assembly Member Howard Wayne. It implements the California Law Revision Commission recommendation on *Ethical Standards for Administrative Law Judges*, 26 Cal. L. Revision Comm'n Reports 335 (1996). The Comments set out below supersede the comparable Comments in the recommendation and reflect amendments to the bill made during the legislative process.

#### **Gov't Code § 11475.10 (added). Application of article**

**Comment.** Section 11475.10 limits application of the Administrative Adjudication Code of Ethics to specified classes of hearing officers. See Section 11475.20 (application of Code of Judicial Ethics).

Subdivision (a)(1) includes not only an administrative law judge who presides at a hearing but also a supervisory or management level administrative law judge or chief administrative law judge, whose function may relate directly or indirectly to the adjudicative process.

This article does not apply to an agency head or hearing officer who presides in an administrative adjudication but who is not an administrative law judge, absent a special statute or regulation. See subdivision (a)(2). However, other ethical considerations apply to the hearing and nonhearing conduct of state agency presiding officers. See, e.g., Section 19572 (cause for discipline).

An agency may make the Administrative Adjudication Code of Ethics applicable to its non-administrative law judge presiding officers by regulation where this article would not otherwise apply. See Section 11410.40 (election to apply administrative adjudication provisions); see also Section 11405.80 ("presiding officer" defined).

Under subdivision (b), the Administrative Adjudication Code of Ethics applies to an administrative law judge even though the proceedings in

which the administrative law judge presides might otherwise be statutorily exempt from this chapter. See, e.g., Section 15609.5 (State Board of Equalization); Pub. Util. Code § 1701 (Public Utilities Commission).

### **Gov't Code § 11475.20 (added). Application of Code of Judicial Ethics**

**Comment.** Section 11475.20 applies the Code of Judicial Ethics in administrative adjudication. For the persons to which this article applies, see Section 11475.10 (application of article).

The Code of Judicial Ethics adopted by the Supreme Court is effective January 15, 1996. The incorporation by reference includes subsequent amendments and additions to the Code. Section 9.

It is intended that interpretations of the Code of Judicial Ethics in its application to the judicial system, whether made by court rule or decision, should also be applied in administrative adjudication, to the extent relevant to the circumstances of administrative adjudication. *Cf.* Section 11475.40 (provisions of Code excepted from application).

The Code of Judicial Ethics supplements other standards applicable to conduct of an administrative law judge, including disqualification for bias (Section 11425.40) and disciplinary action for failure of good behavior (Section 19572). See also Section 11475.50 & Comment (enforcement). These requirements are also in addition to the requirements pursuant to Chapter 9.5 (commencing with Section 89500) of Title 9, applicable to designated employees of state agencies, including administrative law judges and other presiding officers.

### **Gov't Code § 11475.40 (added). Provisions of Code excepted from application**

**Comment.** Section 11475.40 adapts the Code of Judicial Ethics for application to administrative law judges. Some provisions of the Code of Judicial Ethics, although not excepted by this section, may be minimally relevant to an administrative law judge. See, e.g., Canon 3C(4) (administrative responsibilities).

Subdivision (a) of Section 11475.40 excepts the portion of Canon 3B(7) relating to ex parte communications. It reflects the fact that special provisions, and not the Code of Judicial Ethics, govern ex parte communications in administrative adjudication. See, e.g., Article 7 (commencing with Section 11430.10).

Subdivision (b) excepts Canon 3B(10), relating to juries. It reflects the fact that juries are not used in administrative adjudication.

Subdivision (c) excepts Canon 3D(3), which requires a judge who is criminally charged to report that fact to the Commission on Judicial



Performance. This duty is not relevant to administrative law judges, who are not under the jurisdiction of the Commission on Judicial Performance.

Subdivision (d) excepts Canon 4C, relating to governmental, civic, or charitable activities. An administrative law judge is not precluded from engaging in activities of this type, except to the extent the activities may conflict with general limitations on the administrative law judge's conduct. See, e.g., Canon 4A (extrajudicial activities in general).

Subdivision (e) excepts Canons 4E(1), 4F, and 4G, relating to fiduciary activities, private employment in alternative dispute resolution, and the practice of law. These matters are the subject of the employing agency's incompatible activity statement pursuant to Section 19990.

Subdivision (f) applies the introductory portion of Canon 5 to an administrative law judge or other presiding officer, but not Canons 5A-5D. Under this provision an administrative law judge or other presiding officer must avoid political activity that may create the appearance of political bias or impropriety. This would preclude participation in political activity related to an issue that may come before the administrative law judge or other presiding officer.

Subdivision (f) limits the political activities of administrative law judges even though other public employees might be able to participate in those activities under the *Hatch Act* (Sections 3201-3209). This subdivision is not intended to preclude an administrative law judge or other presiding officer to which this article applies from appearing at a public hearing or officially consulting with an executive or legislative body or public official in matters concerning the judge's private economic or personal interests, or to otherwise engage in political activities relating to salary, benefits, and working conditions. *Cf.* Section 11475.70 (collective bargaining rights not affected).

Subdivision (g) excepts Canon 6, which is superseded by Sections 11475.50 (enforcement) and 11475.60 (compliance).

### **Gov't Code § 11475.50 (added). Enforcement**

**Comment.** Section 11475.50 supersedes Canon 6A of the Code of Judicial Ethics. The compliance requirement is not precatory in administrative adjudication, but is mandatory.

Appropriate discipline under this section is the responsibility of the agency that employs the administrative law judge. Thus if an administrative law judge employed by the Office of Administrative Hearings violates the code of ethics in a hearing conducted for another agency, the Office of Administrative Hearings is the disciplining entity, and not the other agency. An agency may apply appropriate disciplinary procedures. It should be noted that a person may also institute

disciplinary proceedings directly before the State Personnel Board with the consent of the board. Gov't Code § 19583.5; 2 Cal. Code Regs. § 51.9 (1996).

A violation of the code of ethics by the administrative law judge is not per se grounds for disqualification, or reversal of a decision, of the administrative law judge. But the violation may be indicative of the administrative law judge's violation of other procedural requirements. See, e.g., Section 11425.40 (disqualification of presiding officer for bias, prejudice, or interest).

**Lab. Code § 123.6 (amended). Workers' compensation referees**

**Comment.** Section 123.6 is amended to reflect the fact that the California Code of Judicial Conduct adopted by the Conference of California Judges is superseded by the Code of Judicial Ethics adopted by the Supreme Court pursuant to subdivision (m) of Section 18 of Article VI of the Constitution.

The reference in subdivision (a) to settlement conference referees is deleted as obsolete; statutory authority for this classification no longer exists.

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## APPENDIX 6

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 242 OF THE STATUTES OF 1998 (ASSEMBLY BILL 1683)

#### Uniform TOD Security Registration Act

Chapter 242 of the Statutes of 1998 was introduced as Assembly Bill 1683 by Assembly Member Steven T. Kuykendall. It implements the California Law Revision Commission recommendation on *Uniform TOD Security Registration Act*, 28 Cal. L. Revision Comm'n Reports 577 (1998). The Comments set out below supersede the comparable Comments in the recommendation and reflect amendments to the bill made during the legislative process.

#### **Com. Code § 8107 (amended). Appropriate person; effectiveness of endorsement, instruction, or entitlement order**

**Comment.** Subdivision (a)(4) of Section 8107 is amended to add the last portion, following "the estate of the decedent." This is a technical amendment to make clear that a TOD beneficiary is an "appropriate person" when the beneficiary has survived the registered sole owner or all the registered owners of a security registered in beneficiary form under the Uniform TOD Security Registration Act. See Prob. Code §§ 5500-5512. See also Section 8102 ("entitlement order," "financial asset," "endorsement," "instruction," "security," "security certificate," and "uncertificated security" defined).

#### **Prob. Code § 5500 (added). Short title; purposes; construction**

**Comment.** Section 5500 is the same in substance as Section 11 of the Uniform TOD Security Registration Act (1989). As to construing provisions drawn from uniform acts, see Section 2(b). Paragraphs (1) and (2) of subdivision (c) are not in the uniform act, but are included as a useful statement of the underlying purposes and policy of this part. For a severability provision, see Section 11.

**Prob. Code § 5508 (added). Protection of registering entity**

**Comment.** Section 5508 is the same as Section 8 of the Uniform TOD Security Registration Act (1989), except for substitution of “part” for “act,” substitution of “Section 5507” for “Section 7,” and omission in subdivision (b) of language providing that the registering entity agrees that the registration will be implemented “on death of the deceased owner” as provided in this part. The omission from subdivision (b) is nonsubstantive, since subdivision (b) provides that the registering entity agrees to implement the registration as provided in this part, whether before or after the death of the deceased owner.

A “request” for registration in beneficiary form may be in any form chosen by a registering entity. This part does not prescribe a particular form and does not impose record-keeping requirements. Registering entities’ business practices, including any industry standards or rules of transfer agent associations, will control.

The written notice referred to in subdivision (c) would qualify as a notice under Section 8403 of the Uniform Commercial Code.

“Good faith” as used in subdivision (c) is intended to mean “honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade,” as specified in Section 2103(1)(b) of the Uniform Commercial Code.

The protections described in this section are designed to meet any questions regarding registering entity protection that may not be foreclosed by issuer protections provided in the Uniform Commercial Code. For a discussion of the relevant Uniform Commercial Code provisions, see Wellman, *Transfer-on-Death Securities Registration: A New Title Form*, 21 Ga. L. Rev. 789, 823 n.90 (1987).

**Prob. Code § 5509 (added). Nontestamentary transfer on death; rights of creditors**

**Comment.** Section 5509 is the same as Section 9 of the Uniform TOD Security Registration Act (1989), except for substitution of “part” for “act,” and the addition of the language in subdivision (b) that this part does not limit the rights of a surviving spouse against beneficiaries and other transferees under other laws of this state. This language is consistent with Section 5511 (nothing in this part alters rights in community property).

**Prob. Code § 5512 (added). Application of part**

**Comment.** Section 5512 is the same as Section 12 of the Uniform TOD Security Registration Act (1989), except that it applies this “part” to registrations made before, “on,” or after the operative date.

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## APPENDIX 7

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 931 OF THE STATUTES OF 1998 (SENATE BILL 2139)

#### Trial Court Unification

Chapter 931 of the Statutes of 1998 was introduced as Senate Bill 2139 by Senator Bill Lockyer. It implements the California Law Revision Commission recommendation on *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51 (1998). The Comments set out below correct typographical errors in the recommendation, and supersede the comparable Comments in the recommendation.

#### **Code Civ. Proc. § 77 (amended). Appellate division**

**Comment.** Section 77 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e).

Subdivision (a) requires adoption of court rules intended to promote the independence and quality of judges serving in the appellate division. See Cal. Const. art. VI, § 4 (expressly recognizing the goal of promoting the independence of the appellate division). Rules may provide relevant factors to be used in making appointments to the appellate division, such as length of service as a judge, reputation within the unified court, and degree of separateness of the appellate division workload from the judge's regular assignments (e.g., a superior court judge who routinely handles large numbers of misdemeanors might ordinarily not serve in the appellate division). Review by a panel of judges might include judges assigned from another county in appropriate circumstances, or even by a panel of appellate division judges from different superior courts who sit in turn in each of the superior courts in the "circuit."

Subdivision (b) continues the rule that the appellate division sits in panels of three. A judge may not participate in appellate review of any proceeding that the judge tried or heard. Section 170.1(b).

Subdivision (e) is amended to reflect elimination of the justice court. Cal. Const. art. VI, §§ 1, 5(b). It is also amended to specify the

jurisdiction of the appellate division in a unified superior court. For guidance on which civil cases are subject to the appellate jurisdiction of the appellate division, see Section 904.2 (taking appeal in limited civil case) and Constitution Article VI, Section 11.

Section 77 is amended throughout to replace references to the appellate department with references to the appellate division, and to replace references to the Chairperson of the Judicial Council with references to the Chief Justice. This is consistent with the terminology used in Constitution Article VI.

### **Code Civ. Proc. § 85 (added). Limited civil cases**

**Comment.** Section 85 is added to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). It facilitates differentiation among civil cases for purposes such as determining original jurisdiction in a county in which there is a municipal court (see Section 85.1), applying economic litigation procedures (see Section 91), and defining appellate jurisdiction (see Sections 904.1, 904.2).

The amount in controversy requirement of subdivision (a) derives from the \$25,000 jurisdictional limit that applied to the municipal courts. *See, e.g.,* 2 B. Witkin, *California Procedure Courts* § 249, at 323-25 (4th ed. 1996). Now, a case is a limited civil case and subject to the procedures for a limited civil case only if the amount in controversy is \$25,000 or less. The last sentence of subdivision (a), defining “amount in controversy,” continues the former second sentence of Section 91 without change. For discussion of calculating amounts in controversy in cases involving multiple causes, see R. Weil & I. Brown, Jr., *California Practice Guide: Civil Procedure Before Trial, Jurisdiction and Venue* §§ 3:97-3:111, at 3-22 to 3-24 (1997); 2 B. Witkin, *California Procedure Jurisdiction* §§ 38-44, at 582-86 (4th ed. 1996).

Subdivision (b) reflects and preserves limitations on the types of equitable relief awardable in a municipal court. See Section 580 & Comment. Where a money judgment for \$25,000 or less would fully resolve a dispute and there is no need for a declaration of future rights, the case is a limited civil case despite a prayer for declaratory relief. See *Cardellini v. Casey*, 181 Cal. App. 3d 389, 396, 226 Cal. Rptr. 659 (1986).

Subdivision (c) continues the effect of former law, under which each county had one or more municipal courts and a superior court. Causes like those now listed in subdivision (c) were within the original jurisdiction of the municipal court and subject to procedures now applicable to a limited civil case. Where a cause within the original jurisdiction of the municipal court was properly joined with one within

the original jurisdiction of the superior court, the entire case would be tried in the superior court. *See, e.g.,* *Wiggins v. Washington Nat'l Life Ins. Co.*, 246 Cal. App. 2d 840, 848, 55 Cal. Rptr. 129 (1966) (“from the moment defendant filed its cross-complaint for declaratory relief in the instant action the municipal court lost jurisdiction over the cause and was obliged to suspend further proceedings in the action and to transfer it to the superior court”); *Armstrong v. Transcontinental Land & Water Co.*, 134 Cal. App. 2d Supp. 889, 285 P.2d 1031 (1955) (joinder of equitable cross-complaint compelled transfer of entire action to superior court). Subdivision (c) continues that policy by requiring that relief in a limited civil case be exclusively of a type described in one or more of the listed provisions, or an unlisted provision if the provision classifies the case as a limited civil case or places the case within the original jurisdiction of the municipal court. *See, e.g.,* Section 688.010 (enforcement of state tax liability pursuant to warrant or notice of levy). If another type of cause is joined, the procedures for a limited civil case do not apply.

See Sections 22 (action defined), 23 (special proceeding defined).

#### **Code Civ. Proc. § 87 (repealed). Corporation as party**

**Comment.** Section 87 is repealed as an unconstitutional intrusion on the power of a court to set minimum standards for who may appear in court on behalf of a corporation. *Merco Constr. Eng'rs, Inc. v. Municipal Court*, 21 Cal. 3d 724, 731, 581 P.2d 636, 147 Cal. Rptr. 631 (1978) (“[W]hen the matter at issue involves minimum standards for engaging in the practice of law, it is this court and not the Legislature which is final policy maker.”). *See also* *Say & Say, Inc. v. Ebershoff*, 20 Cal. App. 4th 1759, 1766-67, 25 Cal. Rptr. 2d 703, 709 (1993) (“A corporation can never appear in this or the superior court in civil or criminal litigation except in limited circumstances in some small claims litigation in *propria persona*.”); *Albion River Watershed Protection Ass'n v. Department of Forestry & Fire Protection*, 20 Cal. App. 4th 34, 37, 24 Cal. Rptr. 2d 341, 343 (1993) (“It is settled that an unincorporated association must be represented by a person licensed in this state to practice law.”); *Clean Air Transport Systems v. San Mateo County Transit Dist.*, 198 Cal. App. 3d 576, 578, 243 Cal. Rptr. 799 (1988) (“A lay person who purports to represent a corporation is engaged in the unlawful practice of law.”).

#### **Code Civ. Proc. § 402.5 (added). Change of venue in limited civil case**

**Comment.** Section 402.5 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). The section makes clear that even though a limited civil case is triable in the superior court in a county in which there is no municipal court, there may be circumstances where it is appropriate to transfer the case for trial

within the same county rather than to another county. This parallels statutory authority for change of venue in misdemeanor and infraction cases. Penal Code § 1038 (Judicial Council rules). The Judicial Council may prescribe rules governing transfers. Cal. Const. art. VI, § 6 (“To improve the administration of justice the council shall ... adopt rules for court administration, practice and procedure .... The rules adopted shall not be inconsistent with statute.”).

### **Code Civ. Proc. § 580 (amended). Relief awardable**

**Comment.** Section 580 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e).

The last sentence of subdivision (a) continues former Section 86(c) without substantive change.

Subdivision (b)(1) makes explicit that although the jurisdiction of a unified superior court includes matters in which the amount in controversy exceeds the maximum for a limited civil case as provided in Section 85, the court cannot grant substantive relief exceeding that maximum in a limited civil case. Formerly, each county had one or more municipal courts and a superior court, and the jurisdictional limit of the municipal courts constrained the relief awardable in matters tried in those courts. *See Stokus v. Marsh*, 217 Cal. App. 3d 647, 653, 266 Cal. Rptr. 90 (1990) (“we view the jurisdictional limit of Code of Civil Procedure section 86 as applying to the substantive judgment and not the award of costs, including reasonable attorneys’ fees”); *Bakkebo v. Municipal Court*, 124 Cal. App. 3d 229, 235, 177 Cal. Rptr. 239 (1981) (“Since the substantive demand is the touchstone of jurisdiction it follows that if the recovery on that demand is within the jurisdiction of the municipal court, that court retains jurisdiction to award costs and attorney fees even though those items, when added to the substantive portion of the judgment, aggregate an amount in excess of the jurisdictional limit.”); *see also* Section 396 (“In any case where the lack of jurisdiction is due solely to an excess in the amount of the demand, the excess may be remitted and the action may continue in the court where it is pending.”). A limited civil case is equivalent to a matter within the original jurisdiction of the municipal court under former law, so Section 580(b)(1) as amended continues and codifies the effect of former law.

Similarly, subdivisions (b)(2)-(b)(5) reflect and preserve limitations on the types of equitable relief awardable in a municipal court. *See* R. Weil & I. Brown, Jr., *California Practice Guide: Civil Procedure Before Trial, Jurisdiction and Venue* §§ 3:12-3:18.1, at 3-6 to 3-7 (1997). *See also* *St. James Church of Christ Holiness v. Superior Court*, 135 Cal. App. 2d 352, 362, 287 P.2d 387 (1955) (municipal court lacks jurisdiction to grant permanent injunction); *Pasadena Inv. Co. v. Peerless Casualty Co.*,



134 Cal. App. 2d Supp. 902, 286 P.2d 1014 (1955) (municipal court lacks jurisdiction to grant declaratory relief). On enforcement of orders under the Family Code, see Fam. Code §§ 200, 290; *In re Marriage of Lackey*, 143 Cal. App. 3d 698, 191 Cal. Rptr. 309 (1983).

*Cf.* Sections 85, 85.1 (limited civil cases).

### **Code Civ. Proc. § 720.260 (amended). Undertaking by creditor**

**Comment.** Section 720.260 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). It is also amended to reflect elimination of the justice court. Cal. Const. art. VI, §§ 1, 5(b). Formerly, each county had one or more municipal courts and a superior court, and Section 720.260 required an undertaking of \$2,500 for an action in municipal court and \$7,500 for an action in superior court. A limited civil case is equivalent to a matter within the original jurisdiction of the municipal court under former law, so Section 720.260 as amended continues the effect of former law. See Section 85 (limited civil cases) & Comment.

### **Code Civ. Proc. § 904.1 (amended). Taking appeal**

**Comment.** Section 904.1 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e).

Subdivision (a) implements Constitution Article VI, Section 11(a), as it applies in civil cases (courts of appeal have appellate jurisdiction when superior courts have original jurisdiction in causes of a type within appellate jurisdiction of courts of appeal on June 30, 1995, and in other causes prescribed by statute).

Paragraph (a)(1)(C), which made nonreviewable “a judgment on appeal from a municipal court or a justice court or a small claims court,” is deleted as unnecessary, because the introductory clause of Section 904.1 as amended already excludes those matters from its coverage.

Section 904.1 is also amended to reflect elimination of the justice court. Cal. Const. art. VI, §§ 1, 5(b).

### **Code Civ. Proc. § 904.2 (amended). Taking appeal in limited civil case**

**Comment.** Section 904.2 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). The amendment implements Constitution Article VI, Section 11(b), as it applies in civil cases (appellate division of superior court has appellate jurisdiction in causes prescribed by statute).

For guidance on what constitutes a limited civil case, see Section 85 & Comment.

Subdivision (i) is deleted because review of a judgment of the small claims division is governed by Section 904.5. See also Sections 116.710-116.795.

Section 904.2 is also amended to reflect elimination of the justice court. Cal. Const. art. VI, §§ 1, 5(b).

#### **Code Civ. Proc. § 1033 (amended). Small recovery**

**Comment.** Section 1033 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). It is also amended to reflect elimination of the justice court, Cal. Const. art. VI, §§ 1, 5(b).

For guidance on what constitutes a limited civil case, see Section 85 & Comment.

#### **Food & Agric. Code § 52514 (amended). Court jurisdiction**

**Comment.** Section 52514 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). The section is also amended to reflect elimination of the justice court. Cal. Const. art. VI, §§ 1, 5(b).

A limited civil case is within the original jurisdiction of the municipal court or of the superior court in a county in which there is no municipal court. Cal. Const. art. VI, § 10 (superior court jurisdiction); Code Civ. Proc. §§ 85, 85.1 (limited civil cases). See also Code Civ. Proc. §§ 91, 904.2, 1085 (trial procedures and writ and appellate jurisdiction for limited civil cases). The amendment to Section 52514 increases the jurisdictional amount to \$25,000, consistent with general provisions on limited civil cases and the jurisdiction of municipal courts. See Code Civ. Proc. §§ 85, 85.1.

#### **Gov't Code § 910 (amended). Contents of claim**

**Comment.** Section 910 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). See also Code Civ. Proc. § 85 (limited civil cases) & Comment.

#### **Gov't Code § 26524 (amended). Judge as party defendant**

**Comment.** Section 26524 is amended to reflect elimination of the justice court. Cal. Const. art. VI, §§ 1, 5(b).

#### **Gov't Code § 69741.7 (repealed). Superior court sessions at justice courts**

**Comment.** Section 69741.7 is repealed to reflect elimination of the justice court. Cal. Const. art. VI, §§ 1, 5(b). *Cf.* Section 69510 (superior court sessions in non-unified counties).

**Gov't Code § 70210 (added). Transitional rules of court**

**Comment.** Section 70210 mandates that the Judicial Council adopt rules of court to coordinate and guide the trial courts in effectively implementing trial court unification. The rules adopted by the Judicial Council may not be inconsistent with statute, including Section 77001, which requires that the Judicial Council promulgate rules that establish a decentralized system of trial court management and ensure that the trial court of each county establishes the means of selecting presiding judges and executive officers.

Subdivision (a) provides generally that the rules will ensure the orderly conversion of proceedings in the unified superior court as of the date the municipal and superior courts in a county are unified.

Subdivision (b) provides for the selection of the presiding judge, court executive officer, and appropriate committees or working groups to assist the presiding judge. The method of selection, and the specific duties and authorities for each will be set forth in the rules, as is currently the case in existing Rules 204, 205, 207, 532.5, and 532.6 of the California Rules of Court. This preserves the balance of power that currently exists between the legislature and the judiciary.

Subdivision (c) is intended to encourage the presiding judge to work closely with the court executive officer and court committees or other working groups to implement unification decisions.

Subdivision (d) provides that the courts will develop and adopt a personnel plan. The section parallels Rule 205(11).

Subdivision (e) provides for local rule adoption. As under current practice, the Judicial Council will determine which procedural issues shall be addressed by local rule and which by statewide rule. *Cf.* Section 68070 (Judicial Council shall adopt rules or procedures to encourage uniformity of requirements throughout a court and statewide).

Examples of issues that may be addressed by rule of court under subdivision (f) include the development of informational programs for the public and the Bar about unification, and education and training programs for judicial officers and court staff to facilitate the effective transition to a unified court.

**Gov't Code § 70212 (added). Transitional provisions**

**Comment.** Subdivisions (a)-(f) of Section 70212 restate Constitution Article VI, Section 23(c). Although embodied in the Constitution, these provisions are subject to variation by statute. See Cal. Const. art. VI, § 23(c) (introductory clause).

The reference in subdivision (a) to officers, employees, and other personnel who serve the court includes court commissioners, traffic referees, court reporters, and all other municipal court personnel. See

*Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1, 82 (1994) (Article VI, § 23(c)(1) Comment) ("Among the previously selected officers, employees, and other personnel who serve the court and who become officers and employees of the superior court pursuant to subdivision (c)(1) are persons such as commissioners and referees appointed to perform subordinate judicial duties as provided for pursuant to Section 22 (subordinate judicial officers), court reporters, interpreters and translators, court clerks, and sheriffs, marshals, and constables.")

Subdivision (g) makes clear that process issued by a municipal court remains enforceable by the superior court after unification.

Subdivision (h) is drawn from Section 71003 (powers of municipal court judge). Under this provision, if a statute provides for remand to or other proceedings in, or before a judge of, a municipal court that no longer exists as a result of the unification of the municipal and superior courts in a county, the proceedings are in the superior court in the county.

#### **Gov't Code § 70214 (added). Commissioners and referees**

**Comment.** Section 70214 maintains the total authorized number of court commissioners and traffic referees or traffic trial commissioners in the county on unification of the municipal and superior courts in the county. For existing authority to appoint superior court commissioners, see Section 70141 et seq. Existing authority to appoint municipal court commissioners is found among county-specific statutes in the Government Code governing municipal courts. *Cf.* Sections 72000-74991. For existing authority to appoint municipal court traffic referees, see Section 72400.

#### **Gov't Code § 70215 (added). County-specific legislation**

**Comment.** Section 70215 is added to accommodate prompt unification of the municipal and superior courts in a county when approved by a majority of the judges of those courts. Cal. Const. art. VI, § 5(e). If the courts in a particular county elect to unify, the codes should be reviewed at that time to determine whether special statutes relating to the courts in that county should be revised or repealed. Section 70215 provides guidance pending enactment of such legislation.

The reference to officers, employees, and other personnel who serve the court includes court commissioners, traffic referees, court reporters, and all other municipal court personnel. See *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1, 82 (1994) (Article VI, § 23(c)(1) Comment) ("Among the previously selected officers, employees, and other personnel who serve the court and who become officers and employees of the superior court pursuant to

subdivision (c)(1) are persons such as commissioners and referees appointed to perform subordinate judicial duties as provided for pursuant to Section 22 (subordinate judicial officers), court reporters, interpreters and translators, court clerks, and sheriffs, marshals, and constables.”)

**Penal Code § 859 (amended). Counsel for defendant**

**Comment.** Section 859 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). *Cf.* Code Civ. Proc. § 38 & Comment (“judicial district” defined). The amendment also deletes language that conflicts with Section 14 of Article 1 of the Constitution (magistrate shall require peace officer to transmit message to counsel within county).

**Penal Code § 859c (added). Review of challenged ruling or order by different judge**

**Comment.** Section 859c is added to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). It preserves the policy of Article VI, Section 23(c)(7) of the Constitution (preserving single judge review of preliminary criminal matters). *Cf.* Sections 995 (setting aside indictment or information); 1538.5 (motion to suppress). See also Gov’t Code § 70212(f) (transitional provisions).

**Penal Code § 1214 (amended). Enforcement**

**Comment.** Section 1214 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). New subdivision (c) continues the policy of former Code of Civil Procedure Section 86(a)(11), which provided that the municipal court had original jurisdiction in all actions to enforce restitution orders or restitution fines that were imposed by the municipal court (without any limitation on amount in controversy). In certain criminal cases, a municipal court could impose a restitution order or restitution fine. See Penal Code § 1462 (municipal court jurisdiction; pronouncing judgment in noncapital criminal case). In a county in which there is no municipal court, Penal Code Section 1462(d) gives the superior court the jurisdiction provided in Section 1462(a)-(b). Thus, new subdivision (c) of this section accommodates trial court unification and continues the effect of former law.

See Code of Civil Procedure §§ 85 (limited civil cases), 86(a)(8) (enforcement of judgment in limited civil case).

**Penal Code § 1538.5 (amended). Motion to return property or suppress evidence**

**Comment.** Section 1538.5 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). *Cf.* Section 691 & Comment.

These amendments of Section 1538.5 are not intended to modify Article I, Section 28(d) of the Constitution. *Cf.* *People v. Daan*, 161 Cal. App. 3d 22, 207 Cal. Rptr. 228 (1984).

It should be noted that procedures under this section that provide for superior court review of, or action based on, a ruling or order by a superior court judge or a magistrate must be performed by a superior court judge other than the judge or magistrate who originally made the ruling or order, unless agreed to by the parties. Section 859c.

**Pub. Res. Code § 5560 (amended). Penalties and jurisdiction**

**Comment.** Section 5560 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). In a county in which there is no municipal court, the relevant geographical unit is the county rather than judicial district. *Cf.* Code Civ. Proc. § 38 & Comment (“judicial district” defined). “District,” as used in this section, means “any regional park district, regional park and open-space district, or regional open-space district formed pursuant to this article.” Section 5500. The section is also amended to reflect elimination of the justice court. Cal. Const. art. VI, §§ 1, 5(b).

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## APPENDIX 8

### REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON PROPOSITION 220 OF 1998 (SENATE CONSTITUTIONAL AMENDMENT 4)

#### Trial Court Unification

Proposition 220 (1996 Cal. Stat. res. ch. 36), approved by the electors on June 2, 1998, was introduced as Senate Constitutional Amendment 4 by Senator Bill Lockyer. The constitutional amendment includes provisions recommended by the California Law Revision Commission in connection with a predecessor measure, Senate Constitutional Amendment 3 by Senator Bill Lockyer. See *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994). The recommendation provides background relating to the provisions of Proposition 220.

#### **Cal. Const. Art. I, § 16 (amended). Trial by jury**

**Comment.** For background relating to the amendment to Section 16 of Article I of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

#### **Cal. Const. Art. VI, §1 (amended). Judicial power**

**Comment.** For background relating to the amendment to Section 1 of Article VI of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

#### **Cal. Const. Art. VI, § 4 (amended). Superior court**

**Comment.** For background relating to the amendment to Section 4 of Article VI of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification:*

*Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

**Cal. Const. Art. VI, § 5 (repealed). Municipal and justice court**

**Comment.** For background relating to the amendment to Section 5 of Article VI of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

**Cal. Const. Art. VI, § 6 (amended). Judicial Council**

**Comment.** For background relating to the amendment to Section 6 of Article VI of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

**Cal. Const. Art. VI, § 8 (amended). Commission on Judicial Performance**

**Comment.** For background relating to the amendment to Section 8 of Article VI of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

**Cal. Const. Art. VI, § 10 (amended). Original jurisdiction**

**Comment.** For background relating to the amendment to Section 10 of Article VI of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

**Cal. Const. Art. VI, § 11 (amended). Appellate jurisdiction**

**Comment.** For background relating to the amendment to Section 11 of Article VI of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

**Cal. Const. Art. VI, § 16 (amended). Election of judges**

**Comment.** For background relating to the amendment to Section 16 of Article VI of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification:*



*Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

**Cal. Const. Art. VI, § 23 (added). Transitional provision**

**Comment.** For background relating to Section 23 of Article VI of the California Constitution added by Proposition 220 (approved by the electors June 2, 1998), see *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994).

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## COMMISSION PUBLICATIONS

Since 1955, the California Law Revision Commission's annual reports, recommendations, and studies have been published in separate pamphlets, which are later bound in a small edition of hardcover volumes.

Beginning in 1991 (Volume 21), Commission publications have been assigned volume numbers on an annual basis. This permits the Commission to continue to print pamphlets without being committed to producing a hardcover volume at any particular time. Producing materials with an annual volume number also makes it easy for libraries to bind their own annual volumes. Cumulative tables and title pages are prepared in connection with each new bound volume. When the Commission's budget permits, this material is separately published to facilitate self-binding.

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In the third column, the first line lists the month and year of the publication, followed by a citation to the volume and page number (in the format vol:page). The second line lists the number of pages in the pamphlet and gives its standard price, unless it is out of print (indicated by OOP).

**Volume 1 (1957)**

[Hardcover Volume Out of Print]

#1	1955 [Annual] Report [for 1954] — includes: • Homestead Law and Probate Code Sections 640 to 646 • Summary Disposition of Small Estates Under Probate Code Sections 640 to 646	1/55 59 pp	1:1-1 OOP
#2	1956 [Annual] Report [for 1955] — includes: • Comparative Survey of the California Inheritance and Gift Tax Laws and the Federal Estate and Gift Tax Laws	3/56 63 pp	1:2-1 OOP
#3	1957 [Annual] Report [for 1956]	1/57 28 pp	1:3-1 OOP
#4	Maximum Period of Confinement in a County Jail — includes: • Maximum Period of Confinement in a County Jail (Rec) • Penal Code Section 19a and Related Code Sections (Study)	10/56 34 pp	1:A-1 OOP
#5	Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions — includes: • Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions (Rec) • Use of Motions and Orders To Show Cause in Connection with Awards of Attorney's Fees and Costs Pursuant to Civil Code Section 137.3 (Study)	11/56 13 pp	1:B-1 OOP
#6	Taking Instructions to the Jury Room — includes: • Taking Instructions to the Jury Room (Rec) • Whether the Jury Should Be Given a Copy of the Court's Instructions To Take into the Jury Room (Study)	11/56 17 pp	1:C-1 OOP
#7	Dead Man Statute — includes: • Dead Man Statute (Rec) • Whether the Dead Man Statute Should Be Modified or Repealed (Study)	2/57 54 pp	1:D-1 OOP
#8	Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere — includes: • Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere (Rec) • Whether Section 201.5 of the Probate Code Should Be Revised (Study)	12/56 39 pp	1:E-1 OOP
#9	Marital "For and Against" Testimonial Privilege — includes: • Marital "For and Against" Testimonial Privilege (Rec) • Whether the "For and Against" Testimonial Privilege of Married Persons Should Be Revised (Study)	11/56 20 pp	1:F-1 OOP
#10	Suspension of the Absolute Power of Alienation — includes: • Suspension of the Absolute Power of Alienation (Rec) • Whether the Sections of the Civil Code Prohibiting Suspension of the Absolute Power of Alienation Should Be Repealed (Study)	11/56 32 pp	1:G-1 OOP
#11	Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378	10/56 4 pp	1:H-1 \$5.50

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| #12 | Judicial Notice of the Law of Foreign Countries — includes:<br><ul style="list-style-type: none"> <li>• Judicial Notice of the Law of Foreign Countries (Rec)</li> <li>• Whether California Courts Should Take Judicial Notice of the Law of Foreign Countries (Study)</li> </ul>                                | 2/57<br>24 pp | 1:J-1<br>OOP |
| #13 | Choice of Law Governing Survival of Actions — includes:<br><ul style="list-style-type: none"> <li>• Choice of Law Governing Survival of Actions (Rec)</li> <li>• Law Which Should Govern Survival of Actions Arising in Another State When Suit Is Brought in California (Study)</li> </ul>                      | 2/57<br>20 pp | 1:J-1<br>OOP |
| #14 | Effective Date of an Order Ruling on a Motion for New Trial — includes:<br><ul style="list-style-type: none"> <li>• Effective Date of an Order Ruling on a Motion for New Trial (Rec)</li> <li>• Effective Date of New Trial Orders in Relation to Section 660 of the Code of Civil Procedure (Study)</li> </ul> | 2/57<br>27 pp | 1:K-1<br>OOP |
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| #16 | Bringing New Parties into Civil Actions — includes:<br><ul style="list-style-type: none"> <li>• Bringing New Parties into Civil Actions (Rec)</li> <li>• California Law Relating to Bringing in New Parties in Civil Actions (Study)</li> </ul>  | 2/57<br>24 pp | 1:M-1<br>OOP |

**Volume 2 (1959)**

[Hardcover Volume Out of Print]

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| #18 | 1959 [Annual] Report [for 1958] — includes:<br><ul style="list-style-type: none"> <li>• Procedure for Appointing Guardians</li> </ul>  | 1/59<br>29 pp  | 2:2-1<br>\$8.50  |
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| #24 | Time Within Which Motion for New Trial May Be Made — includes:   | 11/58<br>16 pp | 2:F-1<br>\$8.50 |
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|     | • Time Within Which a Motion for a New Trial May Be Made When Notice of Entry of Judgment Has Not Been Given (Study) |                |                 |
| #25 | Notice to Shareholders of Sale of Corporate Assets — includes:   | 1/59<br>18 pp  | 2:G-1<br>\$8.50 |
|     | • Notice to Shareholders of Sale of Corporate Assets (Rec)   |                |                 |
|     | • Notice to Shareholders of a Sale of All or Substantially All of the Assets of a Corporation (Study)                |                |                 |

**Volume 3 (1961)**

[Hardcover Volume Out of Print]

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| #26 | 1960 [Annual] Report [for 1959]  | 3/60<br>15 pp  | 3:1-1<br>OOP     |
| #27 | 1961 [Annual] Report [for 1960]  | 1/61<br>15 pp  | 3:2-1<br>OOP     |
| #28 | Evidence in Eminent Domain Proceedings — includes:   | 10/60<br>65 pp | 3:A-1<br>\$18.00 |
|     | • Evidence in Eminent Domain Proceedings (Rec)   |                |                  |
|     | • Evidence in Eminent Domain Proceedings (Study)   |                |                  |
| #29 | Taking Possession and Passage of Title in Eminent Domain Proceedings — includes:   | 10/60<br>66 pp | 3:B-1<br>OOP     |
|     | • Taking Possession and Passage of Title in Eminent Domain Proceedings (Rec)   |                |                  |
|     | • Taking Possession and Passage of Title in Eminent Domain Proceedings (Study)   |                |                  |
| #30 | Reimbursement for Moving Expenses when Property Is Acquired for Public Use — includes:   | 10/60<br>36 pp | 3:C-1<br>OOP     |
|     | • Reimbursement for Moving Expenses when Property Is Acquired for Public Use (Rec)   |                |                  |
|     | • Reimbursement for Moving Expenses when Property Is Acquired for Public Use (Study)   |                |                  |
| #31 | Rescission of Contracts — includes:  | 10/60<br>35 pp | 3:D-1<br>OOP     |
|     | • Rescission of Contracts (Rec)  |                |                  |
|     | • Rescission of Contracts (Study)  |                |                  |
| #32 | Right to Counsel and the Separation of the Delinquent Minor from the Nondelinquent Minor in Juvenile Court Proceedings — includes: | 10/60<br>43 pp | 3:E-1<br>OOP     |
|     | • Right to Counsel and the Separation of the Delinquent Minor from the Nondelinquent Minor in Juvenile Court Proceedings (Rec)     |                |                  |
|     | • Juvenile's Right to Counsel and the Designation of Nondelinquent Minor As "Ward of the Juvenile Court" (Study)                   |                |                  |
| #33 | Survival of Actions — includes:  | 10/60<br>26 pp | 3:F-1<br>OOP     |
|     | • Survival of Actions (Rec)  |                |                  |
|     | • Survival of Tort Actions (Study)   |                |                  |
| #34 | Arbitration — includes:  | 12/60<br>64 pp | 3:G-1<br>OOP     |
|     | • Arbitration (Rec)  |                |                  |
|     | • Arbitration (Study)  |                |                  |

#35	Presentation of Claims Against Public Officers and Employees — includes:	10/60 36 pp	3:H-1 OOP
	• Presentation of Claims Against Public Officers and Employees (Rec)		
	• Presentation of Claims Against Public Officers and Employees (Study)		
#36	Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere — includes:	10/60 35 pp	3:I-1 OOP
	• Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere (Rec)		
	• Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere (Study)		
#37	Notice of Alibi in Criminal Actions — includes:	10/60 22 pp	3:J-1 \$8.50
	• Notice of Alibi in Criminal Actions (Rec)		
	• Notice of Alibi in Criminal Actions (Study)		

## Volume 4 (1963)

[Hardcover Volume Out of Print]

#38	1962 Annual Report [for 1961]	3/62 23 pp	4:1 \$8.50
#39	1963 Annual Report [for 1962]	1/63 18 pp	4:101 \$8.50
#40	1964 Annual Report [for 1963]	12/63 46 pp	4:201 \$8.50
#41	Uniform Rules of Evidence: Article VIII. Hearsay Evidence — includes:	8/62 319 pp	4:301 OOP
	• Uniform Rules of Evidence: Article VIII. Hearsay Evidence (Rec)		
	• Hearsay Evidence Article of the Uniform Rules of Evidence (Study)		
#42	Condemnation Law and Procedure: Number 4 — Discovery in Eminent Domain Proceedings [The first three pamphlets (unnumbered) in Volume 3 also deal with the subject of condemnation law and procedure.] — includes:	1/63 74 pp	4:701 \$18.00
	• Condemnation Law and Procedure: Number 4 — Discovery in Eminent Domain Proceedings (Rec)		
	• Pretrial Conferences and Discovery in Eminent Domain Proceedings (Study)		
#43	Sovereign Immunity: Number 1 — Tort Liability of Public Entities and Public Employees	1/63 86 pp	4:801 \$18.00
#44	Sovereign Immunity: Number 2 — Claims, Actions and Judgments Against Public Entities and Public Employees	1/63 94 pp	4:1001 \$18.00
#45	Sovereign Immunity: Number 3 — Insurance Coverage for Public Entities and Public Employees	1/63 14 pp	4:1201 \$8.50
#46	Sovereign Immunity: Number 4 — Defense of Public Employees	1/63 22 pp	4:1301 \$8.50
#47	Sovereign Immunity: Number 5 — Liability of Public Entities for Ownership and Operation of Motor Vehicles	1/63 8 pp	4:1401 \$5.50



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| #48 | Sovereign Immunity: Number 6 — Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers | 1/63 4:1501<br>8 pp \$5.50 |
| #49 | Sovereign Immunity: Number 7 — Amendments and Repeals of Inconsistent Special Statutes  | 3/63 4:1601<br>11 pp OOP   |

**Volume 5 (1963)**

[Hardcover Volume Out of Print]

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|-----|---|----------------------------|
| #50 | Study Relating to Sovereign Immunity [Softcover publication has entire contents of hardcover volume except for the title page and some other front matter.] | 1/63 5:1<br>568 pp \$25.00 |
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**Volume 6 (1964)**

[Hardcover Volume Out of Print]

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|-----|--|------------------------------|
| #51 | Uniform Rules of Evidence: Article 1. General Provisions — includes:<br>• Uniform Rules of Evidence: Article 1. General Provisions (Rec)<br>• General Provisions Article of the Uniform Rules of Evidence (Study)  | 4/64 6:1<br>74 pp \$18.00    |
| #52 | Uniform Rules of Evidence: Article IX. Authentication and Content of Writings — includes:<br>• Uniform Rules of Evidence: Article IX. Authentication and Content of Writings (Rec)<br>• Authentication Article of the Uniform Rules of Evidence (Study)                        | 1/64 6:101<br>70 pp \$18.00  |
| #53 | Uniform Rules of Evidence: Article V. Privileges — includes:<br>• Uniform Rules of Evidence: Article V. Privileges (Rec)<br>• Privileges Article of the Uniform Rules of Evidence (Study)  | 2/64 6:201<br>301 pp \$25.00 |
| #54 | Uniform Rules of Evidence: Article VI. Extrinsic Policies Affecting Admissibility — includes:<br>• Uniform Rules of Evidence: Article VI. Extrinsic Policies Affecting Admissibility (Rec)<br>• Uniform Rules of Evidence — Extrinsic Policies Affecting Admissibility (Study) | 3/64 6:601<br>80 pp \$18.00  |
| #55 | Uniform Rules of Evidence: Article IV. Witnesses — includes:<br>• Uniform Rules of Evidence: Article IV. Witnesses (Rec)<br>• The Witnesses Article of the Uniform Rules of Evidence (Study)   | 3/64 6:701<br>72 pp \$18.00  |
| #56 | Uniform Rules of Evidence: Article II. Judicial Notice — includes:<br>• Uniform Rules of Evidence: Article II. Judicial Notice (Rec)<br>• The Judicial Notice Article of the Uniform Rules of Evidence (Study)   | 4/64 6:801<br>60 pp \$18.00  |
| #57 | Uniform Rules of Evidence: Article VII. Expert and Other Opinion Testimony — includes:<br>• Uniform Rules of Evidence: Article VII. Expert and Other Opinion Testimony (Rec)<br>• The Uniform Rules of Evidence — Expert and Other Opinion Testimony (Study)                   | 3/64 6:901<br>49 pp \$8.50   |

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| #58 | Uniform Rules of Evidence: Burden of Producing Evidence, Burden of Proof, and Presumptions (Replacing Article III of the Uniform Rules of Evidence) — includes: | 6/64   | 6:1001    |
|     |   | 148 pp | \$25.00   |
|     | • Uniform Rules of Evidence: Burden of Producing Evidence, Burden of Proof, and Presumptions (Replacing Article III of the Uniform Rules of Evidence) (Rec)     |        |           |
|     | • Uniform Rules of Evidence — Burden of Producing Evidence, Burden of Proof, and Presumptions (Study)   |        |           |
| #59 | Uniform Rules of Evidence: Article VIII. Hearsay Evidence [same as 4:301] — includes:   | 10/62  | 6:ff-1150 |
|     |   | 272 pp | OOP       |
|     | • Uniform Rules of Evidence: Article VIII. Hearsay Evidence (Rec)   |        |           |
|     | • Hearsay Evidence Article of the Uniform Rules of Evidence (Study)   |        |           |

**Volume 7 (1965)**

[Hardcover Volume Out of Print]

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|-----|--|--------|---------|
| #60 | Evidence Code  | 1/65   | 7:1     |
|     |  | 394 pp | OOP     |
| #61 | Sovereign Immunity: Number 8 — Revisions of the Governmental Liability Act: Liability of Public Entities for Ownership and Operation of Motor Vehicles; Claims and Actions Against Public Entities and Public Employees; | 1/65   | 7:401   |
|     |  | 30 pp  | \$8.50  |
| #62 | 1965 Annual Report [for 1964]  | 1/65   | 7:801   |
|     |  | 16 pp  | OOP     |
| #63 | 1966 Annual Report [for 1965]  | 12/65  | 7:901   |
|     |  | 28 pp  | OOP     |
| #64 | Evidence Code with Official Comments   | 8/65   | 7:1001  |
|     |  | 338 pp | \$25.00 |

**Volume 8 (1967)**

[Hardcover Volume Out of Print]

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|-----|---|-------|--------|
| #65 | Annual Report [for 1966] — includes:  | 12/66 | 8:1    |
|     | • Discovery in Eminent Domain Proceedings   | 29 pp | \$8.50 |
| #66 | Evidence Code: Number 1 — Evidence Code Revisions   | 10/66 | 8:101  |
|     |   | 28 pp | \$8.50 |
| #67 | Evidence Code: Number 2 — Agricultural Code Revisions   | 10/66 | 8:201  |
|     |   | 34 pp | \$8.50 |
| #68 | Evidence Code: Number 3 — Commercial Code Revisions   | 10/66 | 8:301  |
|     |   | 13 pp | \$8.50 |
| #69 | Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property — includes:                                | 10/66 | 8:401  |
|     |   | 43 pp | \$8.50 |
|     | • Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property (Rec)                                    |       |        |
|     | • California Personal Injury Damage Awards to Married Persons [reprinted from 13 UCLA L. Rev. 587 (1966)] (Study)                           |       |        |
| #70 | Vehicle Code Section 17150 and Related Sections — includes:   | 10/66 | 8:501  |
|     | • Vehicle Code Section 17150 and Related Sections (Rec)   | 48 pp | \$8.50 |
|     | • Imputed Contributory Negligence: The Anomaly in California Vehicle Code Section 17150 [reprinted from 17 Stan. L. Rev. 55 (1964)] (Study) |       |        |

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|-----|--|--------|---------|
| #71 | Additur — includes:  | 10/66  | 8:601   |
|     | • Additur (Rec)  | 58 pp  | \$18.00 |
|     | • Power of the Trial Court to Deny a New Trial on the Condition that Damages Be Increased [reprinted from 3 Cal. W. L. Rev. 1 (1966)] (Study)    |        |         |
| #72 | Abandonment or Termination of a Lease — includes:  | 10/66  | 8:701   |
|     | • Abandonment or Termination of a Lease (Rec)  | 74 pp  | \$18.00 |
|     | • Whether the Rights and Duties Attendant upon the Termination of a Lease Should Be Revised [reprinted from 54 Cal. L. Rev. 1141 (1966)] (Study) |        |         |
| #73 | Good Faith Improver of Land Owned by Another — includes:   | 10/66  | 8:801   |
|     | • Good Faith Improver of Land Owned by Another (Rec)   | 62 pp  | \$18.00 |
|     | • Improving the Lot of the Trespassing Improver [reprinted from 11 Stan. L. Rev. 456 (1959)] (Study)   |        |         |
| #74 | Suit By or Against an Unincorporated Association — includes:   | 10/66  | 8:901   |
|     | • Suit By or Against an Unincorporated Association (Rec)   | 42 pp  | \$8.50  |
|     | • Suit By Or Against An Unincorporated Association (Study)   |        |         |
| #75 | Escheat  | 9/67   | 8:1001  |
|     |  | 70 pp  | \$18.00 |
| #76 | Condemnation Law and Procedure: Number 1 — Possession Prior to Final Judgment and Related Problems — includes:                                   | 9/67   | 8:1101  |
|     | • Condemnation Law and Procedure: Number 1 — Possession Prior to Final Judgment and Related Problems (Rec)                                       | 149 pp | \$25.00 |
|     | • Possession Prior To Final Judgment in California Condemnation Procedure [reprinted from 7 Santa Clara Law. 1 (1966)] (Study)                   |        |         |
| #77 | Annual Report [for 1967] — includes:   | 12/67  | 8:1301  |
|     | • Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding  | 110 pp | \$25.00 |
|     | • Improvements Made in Good Faith Upon Land Owned by Another   |        |         |
|     | • Damages for Personal Injuries to a Married Person as Separate or Community Property  |        |         |
|     | • Service of Process on Unincorporated Associations  |        |         |

**Volume 9 (1969)**

[Hardcover Volume Out of Print]

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|-----|---|--------|---------|
| #78 | Annual Report [for 1968] — includes:  | 12/68  | 9:1     |
|     | • Sovereign Immunity: Number 9 — Statute of Limitations in Actions Against Public Entities and Public Employees | 76 pp  | \$18.00 |
|     | • Additur and Remittitur  |        |         |
|     | • Fictitious Business Names   |        |         |
| #79 | Annual Report [for 1969] — includes:  | 12/69  | 9:81    |
|     | • Quasi-Community Property  | 102 pp | OOO     |
|     | • Arbitration of Just Compensation  |        |         |
|     | • Evidence Code: Number 5 — Revisions of the Evidence Code  |        |         |
|     | • Real Property Leases  |        |         |
|     | • Statute of Limitations in Actions Against Public Entities and Public Employees                                |        |         |

#80	Mutuality of Remedies in Suits for Specific Performance — includes:	9/68 32 pp	9:201 \$8.50
	• Mutuality of Remedies in Suits for Specific Performance		
	• Mutuality of Remedies in California Under Civil Code Section 3386 (Cox) [reprinted from 19 Hastings L.J. 1430 (1968)]		
#81	Powers of Appointment — includes:	10/68 52 pp	9:301 \$18.00
	• Powers of Appointment		
	• Powers of Appointment in California [reprinted from 19 Hastings L.J. 1281 (1968)]		
#82	Real Property Leases	10/68 24 pp	9:401 \$8.50
#83	Evidence Code: Number 4 — Revision of the Privileges Article	11/68 13 pp	9:501 \$8.50
#84	Fictitious Business Names — includes:	10/69 80 pp	9:601 \$18.00
	• Fictitious Business Names		
	• Fictitious Business Names Legislation — Modernizing California's Pioneer Statute [reprinted from 19 Hastings L.J. 1349 (1968)]		
#85	Representations as to the Credit of Third Persons and the Statute of Frauds — includes:	10/69 33 pp	9:701 \$8.50
	• Representations as to the Credit of Third Persons and the Statute of Frauds		
	• Statute of Frauds and Misrepresentations as to the Credit of Third Persons: Should California Repeal Its Lord Tenterden's Act? [reprinted from 16 UCLA L. Rev 603 (1969)]		
#86	Sovereign Immunity: Number 10 — Revisions of the Governmental Liability Act: Nuisance; Entries for Survey and Examination; Immunity for Plan or Design of Public Improvement; Police and Correctional Activities; Medical, Hospital, and Public Health Activities; Ultrahazardous Activities; Liability for the Use of Pesticides	9/69 57 pp	9:801 \$18.00
#87	“Vesting” of Interests Under the Rule Against Perpetuities — includes:	10/69 20 pp	9:901 \$8.50
	• “Vesting” of Interests Under the Rule Against Perpetuities (Rec)		
	• “Vesting” of Interests Under the Rule Against Perpetuities (Study)		

## Volume 10 (1971)

[Hardcover Volume Out of Print]

#88	California Inverse Condemnation Law — includes:	6/71 433 pp	10:1 OOP
	• Ch. 1: The Scope of Legislative Power (Van Alstyne) [reprinted from 29 Stan. L. Rev. 727 (1967)]		
	• Ch. 2: Inverse Condemnation Goals and Policy Criteria (Van Alstyne) [reprinted from 8 Santa Clara Law. 1 (1967)]		
	• Ch. 3: Deliberately Inflicted Injury or Destruction (Van Alstyne) [reprinted from 20 Stan. L. Rev. 617 (1968)]		
	• Ch. 4: Unintended Physical Damage (Van Alstyne) [reprinted from 20 Hastings L.J. 421 (1969)]		
	• Ch. 5: Intangible Detriment (Van Alstyne) [reprinted from 16 UCLA L. Rev. 491 (1969)]		

- Ch. 6: Taking or Damaging by Police Power (Van Alstyne)  
[reprinted from 44 S. Cal. L. Rev. 1 (1970)]
  - Ch. 7: Recent Developments in California Inverse Condemnation Law (Sterling)
- #89 Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions — includes: 10/70 10:501  
126 pp \$25.00
- Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions (Rec)
  - Joinder of Claims, Counterclaims, and Cross-Complaints: Suggested Revision of the California Provisions (Study) [reprinted from 23 Stan. L. Rev. 1 (1970)]
- #90 Attachment, Garnishment, and Exemptions from Execution: 11/71 10:701  
Employees' Earnings Protection Law 101 pp OOP
- #91 Annual Report [for 1970] — includes: 12/70 10:1001  
56 pp \$18.00
- Inverse Condemnation: Insurance Coverage
- #92 Annual Report [for 1971] — includes: 12/71 10:1101  
68 pp \$18.00
- Attachment, Garnishment, and Exemptions from Execution: Discharge from Employment

### Volume 11 (1973)

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- #93 Civil Arrest — includes: 7/72 11:1  
37 pp \$8.50
- Civil Arrest (Rec)
  - Civil Arrest in California
- #94 Wage Garnishment and Related Matters 10/72 11:101  
114 pp \$25.00
- #95 Claim and Delivery Statute 12/72 11:301  
45 pp \$8.50
- #96 Unclaimed Property 3/73 11:401  
17 pp \$8.50
- #97 Inheritance Rights of Nonresident Aliens — includes: 9/73 11:421  
28 pp \$8.50
- Inheritance Rights of Nonresident Aliens (Rec)
  - Inheritance Rights of Nonresident Aliens: A Look at California's Reciprocity Statute [reprinted from 3 Pacific L.J. 551 (1972)] (Study)
- #98 Enforcement of Sister State Money Judgments 11/73 11:451  
24 pp \$8.50
- #99 Prejudgment Attachment (Tent. Rec.) 3/73 11:501  
200 pp \$25.00
- #100 Prejudgment Attachment 12/73 11:701  
205 pp \$25.00
- #101 Landlord-Tenant Relations — includes: 12/73 11:951  
38 pp \$8.50
- Abandonment of Leased Real Property
  - Personal Property Left on Premises Vacated by Tenant
- #102 Annual Report [for 1972] 12/72 11:1001  
38 pp \$8.50

#103	Annual Report [for 1973] — includes:	12/73	11:1101
	• Evidence Code Section 999 — The “Criminal Conduct” Exception to the Physician-Patient Privilege	96 pp	\$18.00
	• Erroneously Ordered Disclosure of Privileged Information		
#104	Liquidated Damages — includes:	12/73	11:1201
	• Liquidated Damages	92 pp	\$18.00
	• Liquidated Damages in California [reprinted from 60 Cal. L. Rev. 84 (1972)]		

## Volume 12 (1974)

#105	Condemnation Law and Procedure: The Eminent Domain Law	1/74	12:1
		496 pp	OOP
#106	Annual Report [for 1974] — includes:	12/74	12:501
	• Payment of Judgments Against Local Public Entities	132 pp	\$25.00
	• View by Trier of Fact in a Civil Case		
	• Good Cause Exception to the Physician-Patient Privilege		
	• Escheat of Amounts Payable on Travelers Checks, Money Orders and Similar Instruments		
#107	Wage Garnishment Exemptions	12/74	12:901
		26 pp	\$8.50
#108	Condemnation Law and Procedure: Conforming Changes in Improvement Acts	1/74	12:1001
		50 pp	\$8.50
#109	Condemnation Law and Procedure: Condemnation Authority of State Agencies	1/74	12:1051
		47 pp	\$8.50
#110	Condemnation Law and Procedure: Conforming Changes in Special District Statutes	1/74	12:1101
		429 pp	\$35.00
#111	Eminent Domain Law	12/74	12:1601
		523 pp	\$35.00

## Volume 13 (1976)

#112	Selected Legislation Relating to Creditors' Remedies	1/75	13:1
		220 pp	\$25.00
#113	Oral Modification of Written Contracts — includes:	1/75	13:301
	• Oral Modification of Written Contracts (Rec)	52 pp	\$18.00
	• Modification of Written Contracts in California [reprinted from 23 Hastings L.J. 1549 (1972)] (Study)		
#114	Partition of Real and Personal Property	1/75	13:401
		102 pp	\$25.00
#115	Wage Garnishment Procedure	4/75	13:601
		102 pp	\$25.00
#116	Revision of the Attachment Law	11/75	13:801
		73 pp	\$18.00
#117	Undertakings for Costs	11/75	13:901
		45 pp	\$8.50

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|------|---|--------|---------|
| #118 | Eminent Domain Law with Conforming Changes in Codified Sections and Official Comments — includes: | 12/75  | 13:1001 |
|      | • Relocation Assistance by Private Condemnors   | 512 pp | \$35.00 |
|      | • Condemnation for Byroads and Utility Easements  |        |         |
| #119 | Annual Report [for 1976] — includes:  | 12/76  | 13:1601 |
|      | • Service of Process on Unincorporated Associations   | 172 pp | \$25.00 |
|      | • Sister State Money Judgments  |        |         |
|      | • Damages in Action for Breach of Lease   |        |         |
|      | • Wage Garnishment  |        |         |
|      | • Liquidated Damages  |        |         |
| #120 | Annual Report [for 1975] — includes:  | 12/75  | 13:2001 |
|      | • Admissibility of Copies of Business Records in Evidence   | 748 pp | \$35.00 |
|      | • Turnover Orders Under the Claim and Delivery Law  |        |         |
|      | • Relocation Assistance by Private Condemnors   |        |         |
|      | • Condemnation for Byroads and Utility Easements  |        |         |
|      | • Transfer of Out-of-State Trusts to California   |        |         |
|      | • Admissibility of Duplicates in Evidence   |        |         |
|      | • Oral Modification of Contracts  |        |         |
|      | • Liquidated Damages  |        |         |
| #121 | Nonprofit Corporation Law   | 11/76  | 13:2201 |
|      |   | 548 pp | \$35.00 |

## Volume 14 (1978)

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|------|---|--------|---------|
| #122 | Annual Report [for 1977] — includes:  | 12/77  | 14:1    |
|      | • Use of Keepers Pursuant to Writs of Execution   | 160 pp | \$25.00 |
|      | • Attachment Law: Effect of Bankruptcy Proceedings; Effect of General Assignments for Benefit of Creditors  |        |         |
|      | • Review of Resolution of Necessity by Writ of Mandate  |        |         |
|      | • Use of Court Commissioners Under the Attachment Law   |        |         |
|      | • Evidence of Market Value of Property  |        |         |
|      | • Psychotherapist-Patient Privilege   |        |         |
|      | • Parol Evidence Rule   |        |         |
| #123 | Annual Report [for 1978] — includes:  | 12/78  | 14:201  |
|      | • Technical Revisions in the Attachment Law: Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of “Chose in Action” | 150 pp | \$25.00 |
|      | • Ad Valorem Property Taxes in Eminent Domain Proceedings   |        |         |
|      | • Security for Costs  |        |         |
| #124 | Guardianship-Conservatorship Law  | 11/78  | 14:501  |
|      |   | 488 pp | \$35.00 |

## Volume 15 (1980) – Part I [Hardcover Volume Out of Print]

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|------|--|--------|----------|
| #125 | Enforcement of Judgments — includes:   | 1/80   | 15.1:1   |
|      | • Interest Rate on Judgments   | 128 pp | \$25.00  |
|      | • Married Women as Sole Traders  |        |          |
|      | • State Tax Liens  |        |          |
| #126 | Application of Evidence Code Property Valuation Rules in Noncondemnation Cases | 3/79   | 15.1:301 |
|      |  | 39 pp  | \$8.50   |

#127	Uniform Durable Power of Attorney Act	12/80	15.1:351 34 pp	\$8.50
#128	Probate Homestead	11/79	15.1:401 36 pp	\$8.50
#129	Guardianship-Conservatorship Law with Official Comments	6/80	15.1:451 529 pp	\$25.00
#130	Annual Report [for 1979] — includes:	12/79	15.1:1001 354 pp	\$25.00
	• Effect of New Bankruptcy Law on the Attachment Law			
	• Confessions of Judgment			
	• Special Assessment Liens on Property Taken for Public Use			
	• Assignments for the Benefit of Creditors			
	• Vacation of Public Streets, Highways, and Service Easements			
	• Quiet Title Actions			
	• Agreements for Entry of Paternity and Support Judgments			
	• Enforcement of Claims and Judgments Against Public Entities			
	• Uniform Veterans Guardianship Act			
	• Psychotherapist-Patient Privilege			
	• Enforcement of Obligations After Death			

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### Volume 15 (1980) – Part II [Hardcover Volume Out of Print]

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#131	Annual Report [for 1980] — includes:	12/80	15.2:1401 102 pp	\$25.00
	• Revision of the Guardianship-Conservatorship Law: Appointment of Successor Guardian or Conservator; Support of Conservatee Spouse from Community Property; Appealable Orders			
#132	Probate and Estate Planning — includes:	12/80	15.2:1601 96 pp	\$18.00
	• Non-Probate Transfers			
	• Revision of the Powers of Appointment Statute			
#133	Enforcement of Judgments Law	10/80	15.2:2001 686 pp	\$25.00

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### Volume 16 (1982) [Hardcover Volume Out of Print]

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#134	Annual Report [for 1981] — includes:	12/81	16:1 62 pp	\$18.00
	• Federal Military and Other Federal Pensions as Community Property			
#135	Probate Law and Procedure — includes:	9/82	16:101 132 pp	\$25.00
	• Missing Persons			
	• Nonprobate Transfers			
	• Emancipated Minors			
	• Notice in Limited Conservatorship Proceedings			
	• Disclaimer of Testamentary and Other Interests			
#136	Holographic and Nuncupative Wills	11/81	16:301 44 pp	\$8.50
#137	Marketable Title of Real Property	11/81	16:401 52 pp	\$18.00
#138	Statutory Bonds and Undertakings	11/81	16:501 120 pp	\$25.00
#139	Attachment	9/81	16:701 122 pp	\$25.00



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|------|---|--------|---------|
| #140 | 1982 Creditors' Remedies Legislation — includes:  | 9/82   | 16:1001 |
|      | • Enforcement of Judgments Law  | 876 pp | OOP     |
|      | • Attachment Law  |        |         |
| #141 | Annual Report [for 1982] — includes:  | 12/82  | 16:2001 |
|      | • Division of Joint Tenancy and Tenancy in Common Property at<br>Dissolution of Marriage  | 264 pp | \$25.00 |
|      | • Creditors' Remedies: Amount Secured by Attachment; Execu-<br>tion of Writs by Registered Process Servers; Technical<br>Amendments |        |         |
|      | • Dismissal for Lack of Prosecution   |        |         |
|      | • Conforming Changes to the Bond and Undertaking Law  |        |         |
|      | • Notice of Rejection of Late Claim Against Public Entity   |        |         |
| #142 | Wills and Intestate Succession  | 11/82  | 16:2301 |
|      |   | 210 pp | \$25.00 |

**Volume 17 (1984)**

[Hardcover Volume Out of Print]

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|------|---|--------|---------|
| #143 | Liability of Marital Property for Debts               | 1/83   | 17:1    |
|      |   | 44 pp  | \$8.50  |
| #144 | Durable Power of Attorney for Health Care Decisions   | 3/83   | 17:101  |
|      |   | 24 pp  | \$8.50  |
| #145 | Family Law — includes:                                | 11/83  | 17:201  |
|      | • Marital Property Presumptions and Transmutations    | 100 pp | \$18.00 |
|      | • Disposition of Community Property                   |        |         |
|      | • Reimbursement of Educational Expenses               |        |         |
|      | • Special Appearance in Family Law Proceedings        |        |         |
|      | • Liability of Stepparent for Child Support           |        |         |
|      | • Awarding Temporary Use of Family Home               |        |         |
| #146 | Statutes of Limitation for Felonies                   | 1/84   | 17:301  |
|      |   | 30 pp  | \$8.50  |
| #147 | Probate Law — includes:                               | 11/83  | 17:401  |
|      | • Independent Administration of Decedent's Estates    | 184 pp | \$25.00 |
|      | • Distribution of Estates Without Administration      |        |         |
|      | • Execution of Witnessed Wills                        |        |         |
|      | • Simultaneous Deaths                                 |        |         |
|      | • Notice of Will                                      |        |         |
|      | • Garnishment of Amounts Payable to Trust Beneficiary |        |         |
|      | • Bonds for Personal Representatives                  |        |         |
|      | • Revision of Wills and Intestate Succession Law      |        |         |
|      | • Recording Affidavit of Death                        |        |         |
| #148 | Uniform Transfers to Minors Act                       | 1/84   | 17:601  |
|      |   | 86 pp  | \$18.00 |
| #149 | Statutory Forms for Durable Powers of Attorney        | 9/83   | 17:701  |
|      |   | 84 pp  | OOP     |
| #150 | Annual Report [for 1983] — includes:                  | 12/83  | 17:801  |
|      | • Effect of Death of Support Obligor                  | 238 pp | \$25.00 |
|      | • Dismissal for Lack of Prosecution                   |        |         |
|      | • Severance of Joint Tenancy                          |        |         |
|      | • Effect of Quiet Title and Partition Judgments       |        |         |
|      | • Dormant Mineral Rights                              |        |         |

- Creditors' Remedies: Levy on Joint Deposit Accounts; Issuance of Earnings Withholding Orders by Registered Process Servers; Protection of Declared Homestead After Owner's Death; Jurisdiction of Condominium Assessment Lien Enforcement; Technical Amendments
- Rights Among Cotenants in Possession and Out of Possession of Real Property

**Volume 18 (1986)**

[Hardcover Volume Out of Print]

#151	Annual Report [for 1984] — includes:	3/85	18:1
	• Provision for Support If Support Obligor Dies	164 pp	\$25.00
	• Transfer Without Probate of Certain Property Registered by the State		
	• Dividing Jointly Owned Property Upon Marriage Dissolution		
#152	Annual Report [for 1985] — includes:	12/85	18:201
	• Protection of Mediation Communications	204 pp	\$25.00
	• Recording Severance of Joint Tenancy		
	• Abandoned Easements		
	• Distribution Under a Will or Trust		
	• Effect of Adoption or Out of Wedlock Birth on Rights at Death		
	• Durable Powers of Attorney		
	• Litigation Expenses in Family Law Proceedings		
	• Civil Code Sections 4800.1 and 4800.2		
#153	Trust Law	12/85	18:501
		308 pp	OOP
#154	Probate Law — includes:	12/85	18:1001
	• Disposition of Estates Without Administration	148 pp	\$25.00
	• Small Estate Set-Aside		
	• Proration of Estate Taxes		
#155	Selected 1986 Trust and Probate Legislation — includes:	9/86	18:1201
	• Trust Law	446 pp	OOP
	• Disposition of Estate Without Administration		
	• Small Estate Set-Aside		
	• Proration of Estate Taxes		
#156	Annual Report [for 1986] — includes:	12/86	18:1701
	• Notice in Guardianship and Conservatorship Proceedings	148 pp	\$25.00
	• Preliminary Provisions and Definitions of the Probate Code		
	• Technical Revisions in the Trust Law		

**Volume 19 (1988)**

#157	Probate Law — includes:	1/87	19:1
	• Supervised Administration of Decedent's Estate	452 pp	\$25.00
	• Independent Administration of Estates Act		
	• Creditor Claims Against Decedent's Estate		
	• Notice in Probate Proceedings		
#158	Annual Report [for 1987] — includes:	12/87	19:501
	• Marital Deduction Gifts	162 pp	\$25.00
	• Administration of Estates of Missing Persons		

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| #159 | Probate Law — includes:   | 12/87  | 19:701  |
|      | • Public Guardians and Administrators   | 408 pp | \$25.00 |
|      | • Inventory and Appraisal   |        |         |
|      | • Opening Estate Administration   |        |         |
|      | • Abatement   |        |         |
|      | • Accounts  |        |         |
|      | • Litigation Involving Decedents  |        |         |
|      | • Rules of Procedure in Probate   |        |         |
|      | • Distribution and Discharge  |        |         |
|      | • Nondomiciliary Decedents  |        |         |
|      | • Interest and Income During Administration   |        |         |
| #160 | Annual Report [for 1988] — includes:  | 12/88  | 19:1151 |
|      | • Creditors' Remedies: Revival of Junior Liens Where Execution Sale Set Aside; Time for Setting Sale Aside; Enforcement of Judgment Lien on Transferred Property After Death of Transferor-Debtor | 120 pp | \$25.00 |

## Volume 20 (1990)

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|------|---|--------|---------|
| #161 | Probate Law — includes:   | 2/89   | 20:1    |
|      | • No Contest Clauses  | 184 pp | \$25.00 |
|      | • 120-Hour Survival Requirement   |        |         |
|      | • Hiring and Paying Attorneys, Advisors and Others; Compensation of Personal Representative |        |         |
|      | • Multiple-Party Accounts in Financial Institutions   |        |         |
|      | • Notice to Creditors in Probate Proceedings  |        |         |
| #162 | Annual Report [for 1989] — includes:  | 12/89  | 20:185  |
|      | • Commercial Lease Law: Assignment and Sublease   | 118 pp | \$25.00 |
|      | • Trustees' Fees  |        |         |
| #163 | Powers of Attorney — includes:  | 12/89  | 20:401  |
|      | • Springing Powers of Attorney  | 60 pp  | \$18.00 |
|      | • Uniform Statutory Form Power of Attorney  |        |         |
| #164 | Probate Law — includes:   | 12/89  | 20:501  |
|      | • Notice to Creditors in Estate Administration  | 116 pp | \$25.00 |
|      | • Disposition of Small Estate by Public Administrator                                       |        |         |
|      | • Court-Authorized Medical Treatment  |        |         |
|      | • Survival Requirement for Beneficiary of Statutory Will                                    |        |         |
|      | • Execution or Modification of Lease Without Court Order                                    |        |         |
|      | • Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding |        |         |
|      | • Repeal of Probate Code Section 6402.5 (In-Law Inheritance)                                |        |         |
|      | • Access to Decedent's Safe Deposit Box   |        |         |
|      | • Priority of Conservator or Guardian for Appointment as Administrator                      |        |         |
| #165 | New Probate Code  | 12/89  | 20:1001 |
|      |   | 996 pp | \$35.00 |
| #166 | Revised and Supplemental Comments to the New Probate Code                                   | 9/90   | 20:2001 |
|      |   | 138 pp | \$25.00 |

#167	Annual Report [for 1990] — includes:	12/90	20:2201
	• Notice in Probate Where Address Unknown	120 pp	\$25.00
	• Jurisdiction of Superior Court in Trust Matters		
	• Uniform Management of Institutional Funds Act		
	• Discovery After Judicial Arbitration		
#168	Commercial Real Property Leases — include:	5/90	20:2401
	• Remedies for Breach of Assignment or Sublease Covenant	36 pp	\$8.50
	• Use Restrictions		
#169	Uniform Statutory Rule Against Perpetuities	9/90	20:2501
		100 pp	\$18.00
#170	Powers of Attorney — includes:	11/90	20:2601
	• Elimination of Seven-Year Limit for Durable Power of Attorney for Health Care	38 pp	\$8.50
	• Recognition of Agent's Authority Under Statutory Form Power of Attorney		
#171	Probate Law — includes:	11/90	20:2701
	• 1991 Probate Urgency Clean-Up Bill	220 pp	\$25.00
	• Debts That Are Contingent, Disputed, or Not Due		
	• Remedies of Creditor Where Personal Representative Fails to Give Notice		
	• Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)		
	• Disposition of Small Estate Without Probate		
	• Right of Surviving Spouse to Dispose of Community Property		
	• Litigation Involving Decedents		
	• Compensation in Guardianship and Conservatorship Proceedings		
	• Recognition of Trustees' Powers		
	• Access to Decedent's Safe Deposit Box		
	• Gifts in View of Impending Death		
	• TOD Registration of Vehicles and Certain Other State Registered Property		

## Volume 21 (1991)

[Bound with Volume 22]

#172	Annual Report for 1991 — includes:	12/91	21:1
	• Application of Marketable Title Statute to Executory Interests	90 pp	\$18.00
#173	Recommendations — includes:	11/91	21:91
	• Relocation of Powers of Appointment Statute	148 pp	\$25.00
	• Miscellaneous Creditors' Remedies Matters		
	• Nonprobate Transfers of Community Property		
	• Notice of Trustees' Fees		
	• Nonprobate Transfer to Trustee Named in Will		
	• Preliminary Distribution Without Court Supervision		
	• Transfer of Conservatorship Property to Trust		
	• Compensation in Guardianship and Conservatorship Proceedings		
#174	Cumulative Tables for Bound Volumes 21-22 (1991-92)	7/93	21:T-1
		146 pp	\$10.00

**Volume 22 (1992)**

[Bound with Volume 21]

#175	Family Code	7/92	22:1
		830 pp	\$35.00
#176	Annual Report for 1992 — includes:	10/92	22:831
	• Litigation Involving Decedents (Revised)	188 pp	\$25.00
	• Standing to Sue for Wrongful Death		
	• Recognition of Agent's Authority Under Statutory Form Power of Attorney (Revised)		
	• Special Needs Trust for Disabled Minor or Incompetent Person		

**Volume 23 (1993)**

#177	1994 Family Code with Official Comments — includes:	11/93	23:1
	• 1994 Family Code	848 pp	\$25.00
	• Child Custody		
	• Reorganization of Domestic Violence Provisions		
#178	Annual Report for 1993 — includes:	11/93	23:901
	• Deposit of Estate Planning Documents	150 pp	\$25.00
	• Parent and Child Relationship for Intestate Succession		
	• Effect of Joint Tenancy Title on Marital Property		
#179	Cumulative Tables for Bound Volume 23 (1993)	3/94	23:T-1
		154 pp	\$10.00

**Volume 24 (1994)**

#180	Trial Court Unification: Constitutional Revision (SCA 3)	1/94	24:1
		110 pp	\$25.00
#181	Comprehensive Power of Attorney Law	2/94	24:111
		212 pp	\$25.00
#182	1995 Comprehensive Power of Attorney Law	11/94	24:323
		222 pp	\$25.00
#183	Annual Report for 1994 — includes:	11/94	24:547
	• Orders To Show Cause and Temporary Restraining Orders	100 pp	\$18.00
	• Trial Court Unification: Transitional Provisions for SCA 3		
#184	Cumulative Tables for Bound Volume 24 (1994)	2/95	24:T-1
		156 pp	\$10.00

**Volume 25 (1995)**

#185	Debtor-Creditor Relations: Attachment Where Claim Is Partially Secured — Report on 1990 Amendments; Exemptions from Enforcement of Money Judgments — Decennial Review: Miscellaneous Debtor-Creditor Matters	11/94	25:1
		54 pp	\$18.00

#186	Administrative Adjudication by State Agencies — includes:	1/95	25:55
	• Administrative Adjudication by State Agencies (Rec)	488 pp	\$35.00
	• Toward a New California Administrative Procedure Act: Adjudication Fundamentals [reprinted from 39 UCLA L. Rev. 1067 (1992)] (Study)		
	• Adjudication Process (10/91) (Study)		
#187	Uniform Prudent Investor Act	11/94	25:543
		72 pp	\$18.00
#188	Annual Report for 1995	11/95	25:615
		134 pp	\$25.00

### Volume 26 (1996)

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#189	Recommendations [1995-96] — includes:	8/96	26:1
	• Statute of Limitations in Trust Matters: Probate Code Section 16460	106 pp	\$25.00
	• Inheritance From or Through Child Born Out of Wedlock		
	• Collecting Small Estate Without Administration		
	• Repeal of Civil Code Section 1464: The First Rule in Spencer's Case		
	• Homestead Exemption		
	• Tolling Statute of Limitations When Defendant Is Out of State		
#190	1996-1997 Annual Report	11/96	26:107
		84 pp	\$18.00
#191	Unfair Competition Litigation — includes:	11/96	26:191
	• Unfair Competition Litigation (Rec)	86 pp	\$18.00
	• California's Unfair Competition Act: Conundrums and Confusions (1/95) (Study)		
#192	Recommendations [1996] — includes:	11/96	26:277
	• Administrative Adjudication by Quasi-Public Entities	130 pp	\$25.00
	• Marketable Title: Enforcement of Land Use Restrictions		
	• Attachment by Undersecured Creditors		
	• Ethical Standards for Administrative Law Judges		
	• Best Evidence Rule		
#193	Mediation Confidentiality	1/97	26:407
		52 pp	\$18.00

### Volume 27 (1997)

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#194	Judicial Review of Agency Action — includes:	2/97	27:1
	• Judicial Review of Agency Action (Rec)	438 pp	\$35.00
	• Judicial Review: Standing and Timing (Study)		
	• The Scope of Judicial Review of Decisions of California Administrative Agencies [reprinted as Asimow, The Scope of Judicial Review of Decisions of California Administrative Agencies, 42 UCLA L. Rev. 1157 (1995)] (Study)		
	• A Modern Judicial Review Statute to Replace Administrative Mandamus (Study)		
#195	Public Utility Deregulation	6/97	27:439
		92 pp	\$18.00

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| #196 | 1997-1998 Annual Report — includes:        | 11/97  | 27:531  |
|      | • Inheritance by Foster Child or Stepchild | 126 pp | \$25.00 |

**Volume 28 (1998)**

[Available Spring 1999]

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| #197 | Business Judgment Rule — includes:  | 1/98   | 28:1    |
|      | • Business Judgment Rule (Rec)  | 50 pp  | \$18.00 |
|      | • Whether the Business-Judgment Rule Should Be Codified (Study)                         |        |         |
| #198 | Trial Court Unification: Revision of Codes  | 7/98   | 28:51   |
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| #199 | Recommendations [1998] — includes:  | 9/98   | 28:561  |
|      | • Response to Demand for Production of Documents in Discovery                           | 118 pp | \$25.00 |
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|      | • Administrative Rulemaking: Consent Regulations and Other Noncontroversial Regulations |        |         |
|      | • Administrative Rulemaking: Advisory Interpretations                                   |        |         |
| #200 | 1998-1999 Annual Report   | 12/98  | 28:679  |
|      |   | 110 pp | \$25.00 |

**Volume 29 (1999)**

[Available Spring 2000]

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| #201 | Health Care Decisions for Adults Without Decisionmaking Capacity | 12/98  | 29:1    |
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